

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.37397 of 2015

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ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This writ petition is filed by the petitioner challenging the auction notice dated 02.11.2015 in respect of the petitioner's property bearing Door No.3-53 in Sy.No.468-7, admeasuring Acs.9.34 cents or 0.037 Hectares situated at Rapthadu Village and Mandal, Anantapur District, in exercise of powers under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "the SARFAESI Act"), as arbitrary and illegal.

2. Earlier, when the order dated 01.09.2014 was passed by the 2nd respondent-District Collector under Section 14 of the SARFAESI Act, the petitioner has challenged the said order by way of filing W.P.No.20232 of 2015. This Court, by order dated 06.07.2015, declined to interfere with the said order, mainly on the ground that there is an effective alternate remedy available to the petitioner under Section 17 of the SARFAESI Act.

3. Even in this writ petition, though the impugned auction notice was issued on 02.11.2015 itself, challenging the said notice, the petitioner has approached this Court at the fag end of the movement. Even otherwise, as against the impugned notice, the petitioner has an effective alternate remedy of filing appeal under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal, Hyderabad. In view of an efficacious alternative remedy available to the petitioner,

we do not find any reason to entertain this writ petition.

4. Accordingly, this writ petition is dismissed, at the admission stage, granting liberty to the petitioner to approach the Debts Recovery Tribunal, Hyderabad. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

01.12.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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