

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

WRIT PETITION No.30948 OF 2015

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

This Writ Petition is filed questioning the Possession Notice, dated 08.09.2015, issued under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and Rule 8 (1) of the Security Interest (Enforcement) Rules, 2002.

In the affidavit filed in support of the petition, it is stated that against the very same impugned notice, petitioner has already filed Securitisation Application before the Debts Recovery Tribunal, Hyderabad, on 15.09.2015, but as there is no Presiding Officer for the Debts Recovery Tribunal, Hyderabad, the same is not taken up and as such, the respondents are taking steps to take possession of the secured asset. It is further stated that the in-charge officer is holding the Tribunal at Hyderabad in the first week of October, 2015.

As much as the petitioner has already approached the authority under Section 17 of the Act and as it is not in dispute that there is no regular Presiding Officer for the Debts Recovery Tribunal, Hyderabad, we deem it appropriate to dispose of the Writ Petition by directing the

respondents not to take any coercive steps for taking possession of the secured asset for a period of three (3) weeks from today. Further, it is open to the petitioner to pursue the application filed under Section 17 of the Act before the Debts Recovery Tribunal, Hyderabad.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

September 22, 2015

MD