

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

* * * *

WRIT PETITION No.24196 of 2015

Between: —

Mohd. Imam

.. Petitioner

And

Citi Bank,
Rajbhawan Road, Somajiguda Branch,
Hyderabad,
Rep. by its Authorized Officer

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 04-08-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment?
Yes/No

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

WRIT PETITION No.24196 of 2015

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

This writ petition is filed seeking directions by way of Mandamus to set aside the possession notice dated 19.03.2015 issued in exercise of powers under Rule 8 (1) of the Security Interest (Enforcement) Rules, 2002 framed under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act').

The grievance of the petitioner is that without following the various provisions of the Act and the Rules made thereunder, the respondent Bank has straightaway issued the impugned possession notice and is taking steps to dispossess him from the property in question. It is submitted that against the impugned order, the petitioner has an effective alternative remedy under Section 17 (1) of the Act before the Debts Recovery Tribunal, but as there is no regular Presiding Officer and the next sitting of the in-charge Officer of Kolkata is

on 17th and 18th of this month, the present writ petition is filed.

Heard learned counsel for the petitioner and perused the material available on record.

Admittedly, the petitioner has an efficacious alternative remedy under Section 17 (1) of the Act against the impugned possession notice dated 19.03.2015. Since it is stated that in pursuance of the impugned notice, the respondent Bank is taking steps to dispossess the petitioner from the subject property, in view of the availability of the remedy before the Debts Recovery Tribunal under Section 17 (1) of the Act, we deem it appropriate to dispose of the writ petition granting liberty to the petitioner to approach the Tribunal and seek appropriate orders. However, as it is stated that there is no regular Presiding Officer for the Tribunal and the next sitting of the in-charge Officer of Kolkata is on 17th and 18th of this month, we direct the respondent not to take further steps in pursuance of the impugned notice for a period of four weeks from today. In the event the petitioner avails the remedy as observed above, it is open to the Tribunal to pass appropriate orders in the matter on its own merits uninfluenced by any of the observations made in this order.

Subject to the above observations and directions, the writ petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

04.08.2015

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