

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.14696 OF 2015

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ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the 3rd and 4th respondents in proposing to auction the immovable property bearing plot No.50/B admeasuring Ac.0-95 cents/guntas in survey Nos.334, 335, 336 and 337, situated at Bachupally Village under Mallampeta Gram Panchayat, Qutubullapur Mandal, Ranga Reddy District belonging to M/s. VSN Plastics Private Limited - 5th respondent, vide notices in Form Nos.7 & 7-A published in Telangana State Gazette Notification No. PR No.17, dated 15.04.2015, issued under Section 36 of the Revenue Recovery Act, 1864 (AP Act IX of 1961), as arbitrary and illegal and consequently, set aside the same.

2. Respondent No.5 entered into loan agreement with the petitioner bank. While accepting the terms and conditions of the loan agreement, respondent No.5 executed necessary documents including sale deed in favour of the petitioner bank. As respondent No.5 defaulted in payment of instalments, the petitioner bank issued e-auction sale notice under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

3. Heard.

3. Admittedly, as the account of respondent No.5 turned into Non Performing Asset (NPA), the petitioner bank initiated proceedings under the SARFAESI Act and accordingly, e-auction sale notice was issued proposing to conduct auction of immovable properties of respondent No.5. In the circumstances, the remedy of the

petitioner bank is to approach the Debts Recovery Tribunal, but not before this Court. As the petitioner bank has got effective alternative remedy, the writ petition is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed giving liberty to the petitioner to approach the Debts Recovery Tribunal. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

K.C.BHANU, J

M.SATYANARAYANA MURTHY, J

MAY 21, 2015

GHN/YVL

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Dt: 21.05.2015

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