

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Writ Petition No.12373 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The proceedings under challenge in this writ petition is the order passed by the District Collector dated 08.03.2015, exercising jurisdiction under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") directing the Tahsildar to take possession of the subject property.

Against the notice issued earlier under Section 13(2) of the SARFAESI Act, the petitioner filed his objections under Section 13(3a) of the SARFAESI Act contending that two of the subject properties are agricultural lands. Pursuant thereto, the Authorised Officer of the Bank is said to have deleted one of the properties, and to have sought possession of the other property under Section 13(4) read with Section 14 of the SARFAESI Act. The petitioner claims to have submitted another representation which resulted in the Bank informing him that he was a Rice Miller and not an agriculturist. As possession was not delivered pursuant to the Section 13(4) notice, the respondent-Bank appears to have approached the District Magistrate under Section 14 of the SARFAESI Act resulting in the impugned order being passed. Against the notice issued under Section 13(4) of the SARFAESI Act, directing the petitioner to deliver possession, the petitioner has the statutory remedy of invoking the jurisdiction of the Debt Recovery Tribunal under Section 17 of the SARFAESI Act. As the petitioner has a statutory remedy under Section 17 of the SARFAESI Act, we see no reason to entertain this writ petition under Article 226 of the Constitution of India.

Leaving it open to the petitioner to invoke the jurisdiction of the Debt Recovery Tribunal, the writ petition fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

27th April 2015.

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CONCLUSIONS

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Date: 27.04.2015

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