

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

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WRIT PETITION No.21816 OF 2015

Between:

Panditi Ramadevi

.. Petitioner

and

Debts Recovery Tribunal, Visakhapatnam, rep.by its Registrar
and 8 others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 20.7.2015

SUBMITTED FOR APPROVAL:

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

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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

WRIT PETITION No.21816 OF 2015

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

This Writ Petition is filed seeking a direction by way of Mandamus to declare the action of respondent No.1 - the Debts Recovery Tribunal, Visakhapatnam in not dealing and disposing of Securitization Appeal No.193 of 2009 pending on its file as illegal and arbitrary.

2. We have heard the learned counsel for petitioner and also the learned Standing Counsel for respondent Bank.

3. In Securitization Appeal No.193 of 2009, the petitioner has questioned the auction held by the respondent – Bank pursuant to the auction notice, dated 7.9.2009, in exercise of powers conferred under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, “the SARFAESI Act”). In this writ petition, the only grievance of the petitioner is that though the said appeal was filed in the year 2009, respondent No.1 is not disposing of the same.

4. On instructions, it is submitted by Sri A.Krishnam Raju, learned Standing Counsel for the respondent - Bank, that the appeal was dismissed for non-prosecution on 10.12.2012, but learned counsel for the petitioner submits that M.A.No.120 of 2012 filed for setting aside the dismissal order was allowed and the appeal was restored to file by order, dated 01.9.2014.

5. Though the petitioner stated that the auction conducted pursuant to the auction notice, dated 7.9.2009, is not in accordance with the provisions of the SARFAESI Act and the Security Interest (Enforcement) Rules, 2002, the same is a matter, which is to be considered in the appeal by the competent authority i.e., respondent No.1. Having regard to the relief sought for in the writ petition, we deem it appropriate to dispose of the writ petition with a direction to the Debts Recovery Tribunal, Visakhapatnam to dispose of S.A.No.193 of 2009 pending on its file as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of a copy of this order. It is needless to observe that the appeal has to be disposed of on its own merits by following the due procedure in accordance with law.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

Date: 20.7.2015
AMD

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

WRIT PETITION No.21816 OF 2015

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Dated: 20.7.2015

AMD