

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

* * * *

WRIT PETITION No.22473 of 2015

Between:

Hari Shankar Bar & Restaurant

.. Petitioner

And

Indian Bank,
Kakatiya Nagar Branch, Road No.9-4-82/11,
Kakatiya Nagar, Hyderabad
Rep. by its Authorized Officer

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

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

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 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.22473 of 2015

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

This writ petition is filed with the prayer, which reads as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent herein in selling the Item Nos.1 to 3 i.e.,

Item No.1: Residential House bearing H.No.9-2-119 to 121, Langer House, Hyderabad which is worth about Rs.50 lakhs has been given as security for the loan of Rs.14 lakhs (hereinafter referred to as 'Item No.1')

Item No.2: Lands admeasuring 2125 sq. yards in Sy.No.13/A situated at Bandlaguda Village, Rajendranagar Mandal, Ranga Reddy District which stands in the name of one Mr.K.Sagar Goud which is worth about Rs.2,05,00,000/- has been given as security (hereinafter referred to as 'Item No.2')

Item No.3: Lands admeasuring 2125 sq.

yards in Sy.No.13/A situated at Bandlaguda Village, Rajendranagar Mandal, Ranga Reddy District which stands in the name of one Mr.K.Raj Kumar Goud which is worth about Rs.2,05,00,000/- has been given as security (hereinafter referred to as 'Item No.3')

in respect of Loan Account No. SOD 873377100 as illegal and arbitrary, null and void and contrary to the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and for a consequential direction to the respondent herein to drop all further proceedings in respect of the Item Nos.1 to 3 of the above mentioned properties and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

When the matter is called, learned counsel for the petitioner and learned counsel appearing for the respondents submitted that before notifying the subject properties for sale, no proper valuation report is obtained as required under the Security Interest (Enforcement) Rules, 2002 (for short, 'the Rules').

It is not in dispute that the petitioner has also approached the authority under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') by filing S.A and the same is pending. Further, as the properties are not yet sold in the auction, the respondents

have to go for fresh auction. In that view of the matter, if the petitioner has any objections with regard to valuation, he is at liberty to raise the same before the authority under Section 17 of the Act.

Subject to the above observations, 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

31.07.2015
v v