

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1334/2016

Nidhi d/o Rajesh Bhute and another
...Versus...

State of Maharashtra, through its Collector, Civil Lines, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.K.Chaware, Advocate for petitioners
Shri A.M. Joshi, AGP for respondent no.1
Shri P.M. Pande, Advocate for respondent no.2
Shri U.A. Gosavi, Advocate for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 11.03.2016

Heard.

By this petition, the petitioners challenge the proceedings initiated by the respondent no.2 under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

According to the petitioners, though the petitioners are the Members of the joint family, the petitioners were not heard before the house in which the petitioners have a share was auctioned.

Shri A.M. Joshi, the learned Assistant Government Pleader for the respondent no.1 raises a preliminary objection to the tenability of the writ petition. It is stated that the petitioners

have an alternate remedy of filing an appeal under Section 17 of the Securitisation Act. It is stated that without availing the said remedy, the petitioners have rushed to this Court.

We uphold the preliminary objection raised on behalf of the respondent no.1 and decline to entertain the writ petition.

The writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar