

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.30660 of 2016

Dated 12.09.2016

Between:

Begari Yadaiah

... Petitioner

and

Housing Development Finance Corporation Ltd.,
(HDFC Ltd.), Hyderabad and 5 others

... Respondents

Counsel for the petitioner: Mr.G.Sampurna Anand

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The grievance of the petitioner is that in the guise of selling property bearing Plot No.2/A admeasuring 244 square yards or 203.984 square meters in Survey No.300 of Athavelly Gram Panchayat, Medchal Mandal, Ranga Reddy District, respondent Nos.1 and 2 are seeking to sell the house bearing No.3-15 situated in Gramakantam of Athvelly Village, Medchal Mandal, Ranga Reddy District.

The entire dispute raised by the petitioner pertains to identity of the property. For adjudicating a dispute of this nature, the Court needs to take on record both oral and documentary evidence. Therefore, the appropriate remedy for him is to file a civil suit for declaration that respondent Nos.1 and 2 have no right to sell his property, which was, allegedly, neither mortgaged nor secured in any other manner under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Instead of availing such remedy, the petitioner has filed the present Writ Petition under Article 226 of the Constitution of India, which is wholly inappropriate.

For the afore-mentioned reasons, the Writ Petition is dismissed with liberty to the petitioner to avail the remedy of a civil suit.

As a sequel to dismissal of the Writ Petition, WPMP.No.37948 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 12th September, 2016
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(G.Shyam Prasad, J)

