

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.30083 of 2016

Dated 07th September, 2016

Between:

Chandrasekhar Konduri

.....Petitioner

And

KOTAK MAHINDRA BANK LTD., rep.by its Authorised Officer/ General
Manager, 3rd Floor, Division, Raj Bhavan Road, Somajiguda,
Hyderabad-500 082.

.....Respondent

Counsel for the petitioner: Sri Nageshwar Rao Pujari

Counsel for the Respondent: ---

The Court made the following:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.30083 of 2016

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Notice, dated 29.08.2016, issued by the respondent under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') is assailed in this writ petition.

Under Section 17 of the SARFAESI Act, if the borrower or any other person aggrieved by any of the measures initiated by the secured creditor under Section 13(4) of the SARFAESI Act, he is entitled to file an appeal before the Debts Recovery Tribunal. In view of the availability of this alternative remedy, we are not inclined to entertain this writ petition for adjudication on merits.

The writ petition is accordingly dismissed without adjudicating on the merits of the case with liberty to the petitioner to avail the aforementioned remedy.

As a sequel to dismissal of the writ petition, WP.MP.No.37212 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

07th September, 2016
VGB