

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 42721 of 2016

ORDER: (*Per VRS,J*)

The petitioner has come up with the above writ petition, challenging an auction sale notice issued under the SARFAESI Act, 2002.

2. Heard Mr. B. Harinath Rao, learned counsel for the petitioner. Mr. K. Srinivas Rao, learned standing counsel for Karur Vysya Bank Limited, appearing for the respondents.

3. As against the measures taken under Section 13(4), the petitioner already went before the Debts Recovery Tribunal and filed S.A.No.66 of 2016 and obtained certain reliefs. Even after the appeal was disposed of on 13.05.2016, the petitioner again went before the Tribunal and filed a miscellaneous application for setting aside a fresh notice for possession. That application was allowed on 28.06.2016.

4. Having succeeded before the Tribunal in the past, there is no rhyme or reason as to why the petitioner should not go before the very same Tribunal. The only ground, on which the petitioner is pitching

his claim, is that the respondent-Bank has acted completely, contrary to the order of the Tribunal. If it is actually so, it is the Tribunal which will grant a better relief to the petitioner. Therefore, the petitioner should go before the Tribunal and seek remedies.

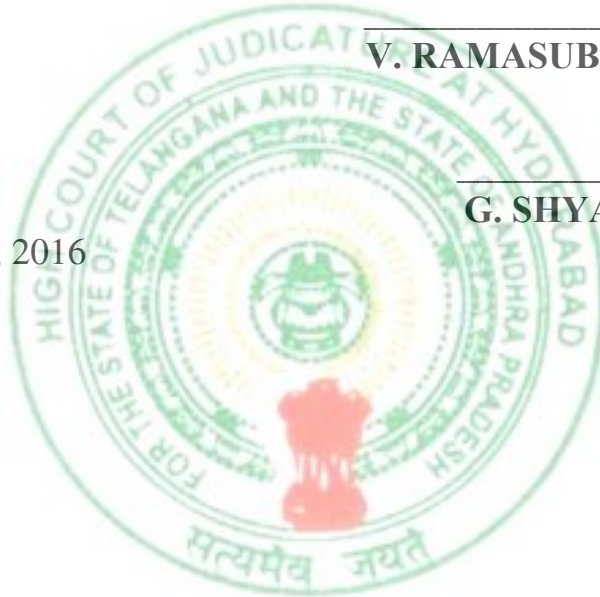
5. With the above liberty, the Writ Petition is dismissed.

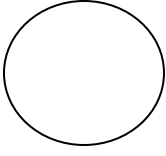
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

8th December, 2016
cbs





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Writ Petition No. 42721 of 2016
(dismissed)

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