

**HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G. SHYAM PRASAD**

Writ Petition No.45321 of 2016

ORDER: *(per V. Ramasubramanian, J.)*

The petitioners have come up with the above writ petition seeking a mandamus to direct the respondents-bank not to dispossess them from their hospital.

2. Heard Mr. L. J. Veera Reddy, learned counsel for the petitioners.

3. When a possession notice was issued under Section 13 (4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), the petitioner filed a writ petition in W.P.No.8049 of 2012. The said writ petition was dismissed, leaving it open to the petitioners to approach the Debts Recovery Tribunal.

4. But the petitioners have not approached the Debts Recovery Tribunal for the past nearly 5 years, after the order of this Court dated 22-03-2012. However, the petitioners claim that they have made several payments thereafter despite which the respondents are threatening to dispossess them.

5. We do not know why the petitioners have not so far gone before the Tribunal. If the respondents-bank attempt to take possession, the appropriate remedy for the petitioners is to go before the Tribunal. If the petitioners have made several payments, it means they have a good case before the Tribunal. Therefore,

reiterating the very same view expressed in the previous writ petition, leaving it open to the petitioners to go before the Tribunal, this writ petition is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 26-12-2016

Ksn

