

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.35657 OF 2016

ORDER: (*Per* Hon'ble Sri Justice V. Ramasubramanian)

Contending that her own daughter perpetrated a fraud upon her, leading to the mortgage of her property for the loans secured by the daughter, the mother has come up with the above writ petition, challenging an order passed by the District Collector, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Heard Mr. Allu Midhun Kumar, learned counsel for the petitioner.

As to whether a fraud was perpetrated by the petitioner's own daughter upon her and as to whether the very creation of the mortgage was as a result of fraud, are all questions of fact which should be agitated only before the Debts Recovery Tribunal. Very recently, Presiding Officer to the Debts Recovery Tribunal at Visakhapatnam has assumed charge. Therefore, the writ petition is dismissed, leaving it open to the petitioner to approach the Debts Recovery Tribunal. No order as to costs.

As a sequel to dismissal of the writ petition, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed as infructuous.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 03-11-2016.
Dsh

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(Order of the Division Bench delivered by
Hon'ble Sri Justice V. Ramasubramanian)

Date. 03-11-2016

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