

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

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.33725 of 2016

30.09.2016

Between:

Vadlamani Siddeswara Rao and another

..Petitioners

And

Indian Overseas Bank, Chennai and others

..Respondents

Counsel for the petitioners: Mr.P.Venkata Rao

Counsel for the respondents: --

The Court made the following:



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

This writ petition is filed for a *mandamus* to direct respondent Nos. 2 and 3 not to dispossess the petitioners from the house bearing Plot No.29, Ward No.27/3, Door No.1780, FCI Colony, Rajupalem Donka, Nellore, SPSR Nellore District and further to direct respondent No.2 to consider the legal notice, dated 08.02.2016, got issued by the petitioners for rescheduling their loan account.

2. Having regard to the nature of the averments made by the petitioners, which require adjudication based on the evidence that may be adduced by them, it is not possible for this Court to entertain the writ petition for adjudication on merits. Instead of availing the remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'), the petitioners have needlessly approached this Court bypassing the said remedy.

3. Therefore, the Writ Petition is dismissed, without expressing any opinion on the merits of the case, with liberty to the petitioners to avail the aforementioned remedy.

4. As a sequel to dismissal of the writ petition, W.P.M.P.No.41625 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

30th September, 2016
GHN