

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE A.V. SSHA SAI

WRIT PETITION No.44381 of 2016

Between:

Md. Asmat Begum

PETITIONER

And

1. The Reserve Bank of India, rep. by its Regional Director, 6-1-56,
Secretariat Road, Saifabad, Hyderabad 500 004, and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.44381 of 2016

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

The petitioner, who is the guarantor and whose property is one of the properties mortgaged to the Bank, has come up with the present writ petition challenging the auction notice.

2. Heard Mr. Kesava Rao, learned counsel for the petitioner.

3. The auction notice is dated 26.10.2016. The petitioner sent an objection on 28.11.2016. Today is the date of auction and the matter is moved at the last minute.

4. From 3.11.2016 the Debts Recovery Tribunal has started functioning. Therefore, the appropriate course of action open to the petitioner is to move the Tribunal, in view of the fact that the grievance raised by him is capable of being adjudicated effectively by the Tribunal. Therefore, the contention that the sale of the properties belonging to the Principal Borrower, viz., those described in Schedule A and C, are sufficient to satisfy the debt and that there cannot be any necessity to bring Schedule B property to sale at all, is the contention which the petitioner can validly raise before the Tribunal. Therefore, the writ petition is dismissed.

5. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE A.V. SESA SAI

19th December, 2016
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.44381 of 2016



Date: 19-12-2016

Js.