

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.32839 of 2016

Date: 28.09.2016

Between:

P.Sunil Kumar

... Petitioner

and

The Authorised Officer

Andhra Bank

Balanagar Branch

Hyderabad and 2 others

... Respondents

**Counsel for the Petitioner: Mr.H.Srikanth
for Mr.V.Hari Haran**

The Court made the following:



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

This Writ Petition is filed for the following substantive relief:

“to issue a writ, order or direction more in the nature of writ of mandamus declaring the 1) e-auction notice dated 12-08-2016 issued by the Respondent No.1 seeking to public auction of the properties belonging to the Petitioner mentioned in the Schedule of Properties, as illegal, arbitrary and contrary to the provisions of Article 14, 19 and 300-A of Constitution of India, 2) Direct the Respondent No. 1 bank to release the title deeds pertaining to the properties mentioned in the Schedule of Property, and pass such other consequential reliefs.”

Mr.H.Srikanth, learned Counsel representing Mr.V.Hari Haran, learned Counsel for the petitioner, submitted that his client is a guarantor; that the principal borrower has already approached the Debt Recovery Tribunal, Hyderabad (for short 'the DRT'), against the action impugned in this Writ Petition; and that the DRT has passed an interim order in the said proceedings.

In the light of the above submissions of the learned Counsel for the petitioner, we are of the opinion that the

appropriate remedy for the petitioner is to approach the DRT questioning the impugned proceedings.

Accordingly, the Writ Petition is dismissed without expressing any opinion on the merits of the case and with liberty to the petitioner in terms of the above observation.

As a sequel to dismissal of the Writ Petition, WPMP.No.40636 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 28th September, 2016
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