

E HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.28609 of 2016

26.08.2016

Between:

Smt.Amthul Haseeb Siddiqui

..Petitioner

And

The State Bank of India, Nalgonda

..Respondent

Counsel for the petitioner: Mr.Shaik Jilani

Counsel for the respondent: --

The Court made the following:

—

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

The e-auction/sale notice, dated 10.08.2016, issued by the respondent, for sale of the property mortgaged by the petitioner towards recovery of the loan amount, is questioned in this writ petition.

2. In our opinion, the issue raised in this writ petition needs to be first adjudicated only by the Debts Recovery Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as held by the Supreme Court in **United Bank of India vs. Satyawati Tondon and others**^[1] and various other judgments following the same.

3. In view of the above legal position, we decline to entertain this writ petition and relegate the petitioner to the aforementioned remedy.

The Writ Petition is, accordingly, dismissed.

4. As a sequel to dismissal of the writ petition, W.P.M.P.No.35416 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

26th August, 2016
GHN

^[1] (2010) 8 SCC 110