

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT PETITION No.43128 of 2015

ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This writ petition is filed by the petitioner questioning the possession notice dated 07.11.2015 issued by the respondents during the pendency of S.A.No.14 of 2014 filed by the petitioners.

2. Earlier, when possession notice dated 16.12.2013 was issued by the respondent-Bank in exercise of the powers conferred under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "the SARFAESI Act"), the petitioners have challenged the same by way of filing S.A.No.14 of 2014 before the Debts Recovery Tribunal, Hyderabad, and obtained interim orders in I.A.No.48 of 2014 in S.A.No.14 of 2014. It is represented that pursuant to the interim orders, the petitioners have already deposited an amount of Rs.12,00,000/- .

3. In this writ petition, it is the grievance of the petitioner that inspite of complying with the conditional order and during the pendency of the aforesaid S.A.No.14 of 2014, the respondent-Bank has once again issued possession notice dated 07.11.2015 and trying to take possession of the secured assets.

4. Heard learned counsel for the petitioners as well as the learned Standing Counsel for the respondent-Bank and perused the material on record.

5. As S.A.No.14 of 2014 filed by the petitioners is already pending, the petitioners can as well question the present possession notice dated 07.11.2015 or can file an application seeking amendment of the prayer in pending S.A.No.14 of 2014. In view of the pendency of S.A.No.14 of 2014, we do not find any reason to entertain the present writ petition, at this stage.

6. For the aforesaid reasons, this writ petition is dismissed, at the admission stage, granting liberty to the petitioners to take appropriate steps before the Debts Recovery Tribunal, Hyderabad. As there is no Presiding Officer for the Debts Recovery Tribunal, Hyderabad, we direct the respondent-Bank not to take any coercive steps pursuant to the impugned possession notice dated 07.11.2015 for a period of four weeks from today. In the meanwhile, it is open to the petitioners to move appropriate application before the Incharge Officer of the Debts Recovery Tribunal, Hyderabad.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

05.01.2016.
Msr

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