

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

Writ Petition No.33195 of 2016

Date:28.9.2016

Between:

B.Suresh, S/o Late B.Hanumantha
Rao

..... Petitioner

And:

M/s Canara Bank, Vijayawada,
reptd by its Authorized Officer-
Rachapudi Venkata Subramanyam
and another.

....Respondents

Counsel for the petitioner: Mr.

Counsel for respondent No.

The Court made the following:

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

Assailing the Sale Certificate, dated 20.02.2016, issued in respect of the property belonging to the petitioner, which was mortgaged to respondent No.1, and following its sale in public auction in favour of respondent No.2, the petitioner has filed this Writ Petition.

At the hearing, Mr. P.N.Praveen Kumar, learned counsel for the petitioner, has not disputed that under Section-17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'), his client has a remedy of approaching the Debts Recovery Tribunal challenging the Sale Certificate.

The Supreme Court time and again held that ordinarily, the High Courts shall not entertain a Writ Petition filed by an aggrieved party without availing the remedy of appeal under Section-17 of the SARFAESI Act. (See *Union Bank of India vs. Panchanan Subudhi*¹ and *United Bank of India vs. Satyawati Tondon and others*²).

In view of this settled legal position and in the absence of acceptable reason for the petitioner for bypassing the alternative remedy, we are not inclined to entertain this Writ Petition for adjudication on merits.

¹ (2010) 15 SCC 552

² (2010) 8 SCC 110

Accordingly, the Writ Petition is dismissed with liberty to the petitioner to avail the remedy of appeal under Section 17 of the SARFAESI Act.

As a sequel to dismissal of the Writ Petition, WPMP.No.41033 of 2016 filed by the petitioner for interim relief is dismissed infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

28th September 2016

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