

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.46866 of 2016

Between:

Y. Srinivasa Reddy

PETITIONER

And

1. The Indian Overseas Bank rep. by its Authorised Officer, Indian Overseas Bank, Hindupur Branch, Hindupur, Ananthapur District, and another.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

On the ground that an agricultural land which is not within the purview of SARFAESI Act, 2002 in view of Section 31(i) of the Act, the borrower has come up with the present writ petition.

2. Heard Ms.Thota Suneetha, learned counsel for the petitioner.

3. The possession notice dated 01.12.2016 describes the property as part of a residential plot. According to the petitioner it is an agricultural land and that this claim is supported by innumerable documents. If it is so, the question as to whether the land is an agricultural land or not, becomes a disputed question between the petitioner and the Bank. Hence the petitioner should go before the Debts Recovery Tribunal to have this disputed question settled. With the above liberty, the writ petition is dismissed.

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

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

3rd January, 2017
Js.

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AND
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Date: 03-01-2017

Js.