

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION NO.24001 OF 2017

ORDER: (per Hon'ble the Acting Chief Justice Justice Ramesh Ranganathan)

Heard Sri A. Ravinder Reddy, Learned Counsel for the petitioner and Sri M. Srikanth Reddy, Learned Standing Counsel for the respondent bank and, with their consent, the Writ Petition is disposed of at the stage of admission.

The proceedings under challenge in this Writ Petition is the notice published in EENADU newspaper on 07.06.2017 under Section 13(2) of the SARFAESI Act. It is the petitioners' case that the deceased Sri D. Veeraswamy (father of petitioner Nos.1 to 3 and husband of petitioner No.4), against whom the Section 13(2) notice was issued on 07.06.2017, was murdered on 10.09.2016 itself; and, consequently, the Section 13(2) notice, issued against a dead person, is invalid. While Sri M. Srikanth Reddy, Learned Standing Counsel for the respondent bank, would contend that the bank was not intimated about the death of the father of petitioners 1 to 3, and the husband of petitioner No.4, it does not appear to be in dispute that Sri D. Veeraswamy died on 10.09.2016; and, consequently, the Section 13(2) notice dated 07.06.2017 is invalid.

Sri A. Ravinder Reddy, Learned Counsel for the petitioner, submits that petitioners 1 to 4 herein are the only legal heirs of the deceased Sri D. Veeraswamy. Suffice it to make it clear that the order now passed by us shall not preclude the respondent bank from initiating proceedings under the SARFAESI Act, or from

issuing the Section 13(2) notice afresh, against petitioners 1 to 4 herein.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

Date: 03-08-2017.
MRKR

