

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr.JUSTICE SHAMEEM AKTHER

WRIT PETITION No.12280 of 2017

ORDER: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The petitioners, five in number, all claim to be the tenants of the subject flats which the owner of the flats had mortgaged in favour of the respondent-bank. For failure on the part of the borrower to repay the amount, the respondent-bank initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act") for eviction of the tenants from the subject premises.

When we asked Sri P.Nagendra Reddy, learned counsel for the petitioners, whether a registered lease deed was executed in favour of the petitioners, learned counsel would fairly state that petitioners' were put in possession of the subject flats on the basis of an unregistered lease deed. It would be wholly inappropriate for us, in proceedings under Article 226 of the Constitution of India, to examine whether any lease was, in fact, executed in favour of the petitioners; whether the petitioners were, in fact, lessees of the mortgaged property; and whether they were entitled to continue in possession thereof even though the subject property was being put to sale. As the jurisdiction of the Debts Recovery Tribunal can be invoked by any person aggrieved, it is always open to the petitioners herein to raise all

the contentions, urged before us in this Writ Petition, before the Debts Recovery Tribunal also.

We see no reason, therefore, to entertain the writ petition. Leaving it open to the petitioners to avail the statutory remedy of approaching the Debts Recovery Tribunal in this regard, the Writ petition fails and is, accordingly, dismissed. As a sequel, miscellaneous petitions if any pending in the Writ Petition stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

April 24, 2017
MRR

