

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Petition No.4978 of 2017

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

The petitioner claims to have furnished security for the loan granted to the borrowers. He is aggrieved by the action of the respondent-bank in seeking to put his lands to sale contending that the subject lands are agricultural lands which are exempt from the purview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act").

Sri Kalyan Chakravarthy, learned counsel appearing on behalf of the respondent-bank, would place before us a copy of the order passed in W.P.No.24956 of 2016 dated 27.07.2016 wherein the petitioner had earlier questioned the sale notice dated 24.06.2016, issued under Rules 8 and 9 of the Security Interest (Enforcement) Rules, 2002 (for short "the Rules"), with regards the very same extent of Ac.2.10½ cents of land. The said writ petition was dismissed as withdrawn granting liberty to the petitioner to approach the Debt Recovery Tribunal under Section 17 of the SARFAESI Act.

Sri G.Kalyan Chakaravarthy, learned counsel for the respondent-bank, would submit that since no bidders came forward in the earlier auction, fresh sale notice was issued by the respondent-bank.

The petitioner, having sought permission to withdraw the writ petition filed earlier to approach the Debt Recovery Tribunal, has even failed to state, in the present writ petition, that he had filed a writ petition earlier. While we were initially inclined to proceed against him for suppression of material facts, Sri D.Krishna Murthy, learned counsel for the petitioner, seeks permission to withdraw the writ petition with liberty to approach the Debt Recovery Tribunal.

Granting liberty as sought for, the Writ Petition is dismissed as withdrawn. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

08th March, 2017
JSU

(DR. SHAMEEM AKTHER, J)



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Date: 08.03.2017

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