

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION Nos. 40610 and 40628 OF 2015

COMMON ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

These writ petitions were filed assailing the notices dated 05.12.2015 issued by the Andhra Bank.

Though the petitioners styled the notices as possession notices in the prayer in these writ petitions, we find that the notices in question do not purport to be notices issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the Act of 2002'), read with Rule 8(1) of the Security Interest (Enforcement) Rules, 2002. The nomenclature of the notices in question reads as 'Intimation of Taking Possession' and reference is made therein only to the demand notice issued earlier under Section 13(2) of the Act of 2002.

As the Bank is admittedly yet to take steps under Section 13(4) of the Act of 2002, no cause is made out for interference in these writ petitions. On this short ground, both the writ petitions are dismissed. This order shall not preclude the petitioners from seeking redressal of their grievance in the event a fresh cause of action arises. All issues are left open.

Interim orders shall stand vacated in both cases. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 29.11.2017

JUSTICE P.KESHAVA RAO