

THE HON'BLE SRI JUSTICE SANJAY KUMAR

AND

THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No. 46234 of 2016

ORDER:

This writ petition was filed assailing the notice dated 16.12.2016 issued by the advocate-commissioner pursuant to the order dated 29.01.2016 passed by the Chief Metropolitan Magistrate, Hyderabad, in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the SARFAESI Act). By order dated 29.12.2016, this Court granted interim stay of the warrant issued to the advocate-commissioner.

2. It is now brought to the notice of this Court that Section 17 of the SARFAESI Act was amended by Act No.44 of 2016 whereby Section 17(4)(A) was inserted therein with effect from 01.09.2016. By virtue of this statutory provision, any person claiming tenancy or leasehold rights over a secured asset is also given the right to approach the Debts Recovery Tribunal under Section 17(1) of the SARFAESI Act. This being the statutory position obtaining as on today, we are of the opinion that it is not necessary for this Court to adjudicate the issues sought to be raised in this writ petition as the petitioner is provided an efficacious remedy under Section 17(4)(A) of the SARFAESI Act.

3. The writ petition is accordingly disposed of granting leave to the petitioner to avail statutory remedy aforesaid within four weeks from today. The interim order dated 29.12.2016 shall remain operative during

such period. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J

GUDI SEVA SHYAM PRASAD, J

06th June, 2017

KSM



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