

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION NO.11985 OF 2017

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed assailing the order dated 02.03.2017 passed by the Debts Recovery Tribunal-II, Hyderabad, in S.A.No.97 of 2017. The said S.A. was filed by the petitioner herein under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'SARFAESI Act') assailing the action of Dena Bank in taking possession of the secured asset through an Advocate Commissioner who was appointed pursuant to the order passed under Section 14 of the SARFAESI Act in CrI.M.P.No.22 of 2009.

Admittedly, the petitioner is a third party. He claims to have purchased the secured asset in the year 2008 under a registered sale deed. But the record reflects that the subject property was offered as security for the loan availed by the 3rd respondent in the year 2005. The Tribunal found on facts that the secured creditor, Dena Bank, had followed the due procedure in all respects and that interference was not warranted in S.A.No.97 of 2017.

It is now stated by Sri V.V.Ramana, learned counsel representing Sri N.V.Subba Raju, learned counsel for Dena Bank, that the possession of the secured asset has already been taken over and a sale notice has also been issued.

This being the factual situation, we are of the opinion that the petitioner's challenge to the order dated 02.03.2017 passed by the Debts Recovery Tribunal-II, Hyderabad, in S.A.No.97 of 2017 no

longer survives for consideration as the challenge therein was only to the action of the bank in taking possession under Section 14 of the SARFAESI Act.

The writ petition is accordingly dismissed leaving it open to the petitioner to avail appropriate remedies in accordance with law. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

3rd JULY, 2017

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