

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI**

Writ Petition No.26593 of 2017

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

The relief sought for in the Writ Petition is to declare the action of the respondent-bank, in initiating proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the "SARFAESI Act" for short), as arbitrary and illegal.

The Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Ongole, by his order in CrI.M.P.No.99 of 2017 dated 11.04.2017, issued warrant to the advocate-commissioner to take possession of the subject property. Against the proceedings issued under Section 13(4) of the SARFAESI Act, which preceded the proceedings initiated under Section 14 of the SARFAESI Act, the petitioner has an effective alternative remedy of approaching the Debts Recovery Tribunal under Section 17 of the SARFAESI Act. We see no reason, therefore, to entertain this Writ Petition.

Leaving it open to the petitioner to avail the statutory remedy available to him under Section 17, against the proceedings issued under Section 13(4), of the SARFAESI Act the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

J. UMA DEVI, J

Date:16.08.2017.
cs