

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION Nos.16604 and 16620 of 2016

COMMON ORDER: (per SK,J)

The petitioners in these two writ petitions claim to be tenants in occupation of the premises offered as a security interest by M/s. Leesa Life Sciences Private Limited to the State Bank of India while availing loan facilities from it. Cause for grievance of the petitioners was the initiation of proceedings by the bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'), in relation to the building in their possession in the capacity of tenants.

The Collector-cum-District Magistrate, Machilipatnam, Krishna District, in exercise of power under Section 14 of the SARFAESI Act directed delivery of possession of the secured asset under his order dated 28.11.2015.

By separate interim orders dated 26.05.2016, passed in both writ petitions, this Court directed that no coercive steps should be taken pursuant to the order dated 28.11.2015 passed by the Collector-cum-District Magistrate, Machilipatnam, Krishna District.

It is now represented by Sri Sharad Sanghi, learned counsel for the petitioners, that in the light of the various contentious issues, which would arise owing to the counter affidavits filed by the respondent bank, this Court may not be in a position to resolve these disputed questions of fact. Learned counsel would fairly state that if liberty is given, the petitioners would take recourse to the statutory remedy available to them under the amended provisions of the SARFAESI Act before the jurisdictional Debts Recovery Tribunal.

Accepting the said submission, the writ petitions are closed leaving it open to the petitioners to approach the jurisdictional Debts Recovery Tribunal within four weeks from today. Till the expiry of this period, the interim orders dated 26.05.2016 passed in both writ petitions shall remain operative. Needless to state, the Debts Recovery Tribunal shall consider the application, if any, filed by the petitioners, be it for the main relief or the interim relief that may be sought therein, on its own merits without being influenced by the dismissal of these writ petitions or the grant of interim protection during their pendency.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:13.07.2017

GJ

