

THE HON'BLE SRI JUSTICE SANJAY KUMAR

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

WRIT PETITION NO.42626 OF 2017

ORDER: {Per the Hon'ble Sri Justice Sanjay Kumar}

The prayer of the petitioner in this case reads as under.

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Honourable Court may be pleased to issue any writ or direction more particularly one in the nature of Writ of Mandamus directing the respondent not to proceed in any manner with regard to possession, sale of the property, (1) the property in an extent of 1774 square yards out of agricultural land admeasuring an extent of Acs.2.00 cents, in R.S.No.66/2, situated at Bhimadole Village & Mandal, West Godavari District, (2) the property consisting of building constructed thereon in an extent of 6000 square yards out of agricultural land admeasuring an extent of Acs.2.00 cents, in R.S.No.66/2, situated at near MRO office, Bhimadole Village & Mandal, West Godavari District by declaring that the respondent bank has no right, title or interest to proceed with the said property, in the interest of justice and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

Counter having been filed by the State Bank of India, it is clear that proceedings have already been initiated by the Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“the SARFAESI Act”) culminating in order dated 25.11.2017, under Section 14 thereof, passed by the Collector-cum-District Magistrate, West Godavari, Eluru District.

In that view of the matter, we find no grounds to interfere in this Writ Petition. All the more so, as the petitioner is provided an effective alternative remedy under the SARFAESI Act. Leaving it open to the petitioner to avail such remedy in accordance with law, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

(SANJAY KUMAR, J)

(J.UMA DEVI, J)

26th December 2017
RRB

