

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.40490 of 2017

ORDER: (per SK,J)

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

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent in initiating the proceedings under Section 13(2) of SARFAESI ACT and also Rule 8(1) & (2) of the Rules dated 08.09.2017 and notice of sale Under rule 8(5) & (6) Security Interest (Enforcement) Rules 2002 and not considering the legal notice dated. 07.11.2017 for rescheduling the loan, as the above SARFAESI proceedings are not applicable against agricultural loans as illegal, arbitrary and Unconstitutional and consequently set aside the SARFAESI proceedings initiated under Section 13(2) and subsequent proceedings there on, and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.'

As various disputed questions of fact are sought to be raised by the petitioner including the actual amount covered by the loan which was disbursed, we are of the opinion that the petitioner would be well advised to avail the statutory remedy provided to her under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Leaving it open to the petitioner to do so in accordance with law, the writ petition is dismissed. All issues are left open.

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

SANJAY KUMAR,J

P.KESHA RAO,J

Date:30.11.2017

GJ