

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No.44259 of 2017

ORDER: (Per Justice Sanjay Kumar)

Challenge in this writ petition is to the possession notice dated 07.06.2017 issued by the Karur Vysya Bank, the respondents herein, under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002, read with Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

The material placed on record reflects that after issuance of the aforestated possession notice, the bank approached the learned Chief Judicial Magistrate-cum-Principal Assistant Sessions Judge, Ananthapuram, by way of an application under Section 14 of the SARFAESI Act, which was taken on record in CrI.M.P.No.372 of 2017. Pursuant to the order passed therein, it appears that an Advocate Commissioner was appointed who issued a notice to the petitioners informing them that he would be executing the warrant on 07.10.2017.

This development seems to have been ignored by the petitioners who chose to merely lay a challenge to the possession notice dated 07.06.2017.

In that view of the matter, the writ petition, as framed, serves no purpose and is accordingly dismissed leaving it open to the petitioners to seek appropriate remedies in accordance with law before the proper forum.

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

SANJAY KUMAR, J

J. UMA DEVI, J

Date: 26.12.2017
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