

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE MS. JUSTICE J. UMADEVI

Writ Petition No.830 of 2018

Between:

Radiant E Serve, Partnership firm, represented by its
Partner K. Ramesh, S/o V. Kannan, aged 39 years,
Office at Unit bearing No.3 & 3-A, First floor, Meridian
Plaza, bearing Municipal No.6-3-853/1, 6-3-854 & 6-3-854/A,
Ameerpet, Hyderabad

... Petitioner

Vs.

Lakshmi Vilas Bank Ltd., a banking company having
Its Head Office at Salem Road, Kathapara P.O.,
Karur, Tamil Nadu State and 2 others

... Respondents

For Appellant : Mr. P. Subhash

For Respondents : B.S. Prasad, standing counsel

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.830 of 2018

ORDER: *(V. Ramasubramanian, J)*

The tenant has come up with the above writ petition challenging the eviction notice issued by the Advocate Commissioner pursuant to an order passed by the Chief Metropolitan Magistrate, Nampally, Hyderabad, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Heard Mr. P. Subash, learned counsel for the petitioner and Mr. B.S. Prasad, learned standing counsel for the respondent-Bank.

3. Admittedly, the notice under Section 13 (2) of the Act was issued on 02-03-2017. The petitioner entered into an unregistered lease agreement on 28-04-2017. Therefore, the transaction is barred by sub-section (13) of Section 13 of the Act.

4. The learned counsel for the petitioner submitted that at least the petitioner may be allowed to continue till an auction is held. But if the bank is not in actual physical possession of the property, it will be a disincentive for the people to participate in the auction. The notice of eviction was served on the petitioner by the Advocate Commissioner on 16-12-2017. The petitioner has had exactly a period of four months time from that date. Therefore, he should have

made alternative arrangement by now. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 16-04-2018

Ksn

