

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

WRIT PETITION NO.1562 of 2018

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 humbly prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly in the nature of a writ of Mandamus directing the transfer of the case bearing S.A.No.45/2013 from the file of the Hon'ble Debts Recovery Tribunal-I, Hyderabad presided by the 2nd respondent Presiding Officer Sri R.Mallikarjuna to any other Debts Recovery Tribunal at Hyderabad or, Visakhapatnam for a dispassionate and fair adjudication in accordance with law and be pleased to pass such further or, other order or, orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

Sri Rakesh Sanghi, learned counsel for the petitioner, however, advanced arguments on the eligibility of the second respondent to hold the office of the Presiding Officer of the Debts Recovery Tribunal-I, Hyderabad, in terms of Section 5 of the Recovery of Debts and Bankruptcy Act, 1993 (hitherto known as 'the Recovery of Debts Due to Banks and Financial Institutions Act, 1993') and the Rules framed thereunder.

However, as the petitioner, in his wisdom, did not challenge the eligibility of the second respondent but merely sought transfer of his case from the file of the second respondent to any other Bench of the Tribunal, without citing any other grounds, we are not inclined to entertain this writ petition.

The writ petition is accordingly dismissed on this short ground. This order shall however not preclude the petitioner from seeking redressal with a proper prayer.

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

SANJAY KUMAR,J

P.KESHA RAO,J

Date:23.01.2018
GJ

