THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.3219 of 2018

ORDER: (per SK, J)

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

> "For the reasons stated in the accompanying affidavit, the petitioner prays 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 to declare the possession notice dated 22.01.2018 issued by the 1st respondent by rejecting the claim notice dated 18.12.2017 by the 2nd respondent as illegal, arbitrary, unjust, unreasonable, violative of Articles 14, 16, 21 & 300-A of the Constitution of India without complying the principles of natural justice and against Sec.13(2) & Rule 3 of the SARFAESI ACT 2002 and set aside the same and consequential direction to the respondents to release the insurance amount forthwith and adjust the same to the petitioners loan accounts [32215183404, 32215183710, 32977563839, 34979281666, Housing Loan, Suraksa-Loan, Car Loan, Cash Credit Loan] and consider the same, in the interest of justice and grant such other relief or reliefs as this Hon'ble Court deems fit."

Perusal of the aforestated prayer reflects that the petitioners clubbed two causes of action against two independent bodies in one single writ petition. On the one hand, their grievance against the State Bank of India, the first respondent, (for short 'the bank'), is with regard to the possession notice issued by it under the provisions of Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'), read with Rule 8(1) of the Security Interest (Enforcement) Rules, 2002. On the other, their consequential prayer is directed against the SBI General Insurance Company Limited, the second respondent, to release the insurance amount forthwith so that the same could be adjusted against their loan accounts with the bank.

We are now informed by Sri B. Devadas, learned counsel for the petitioners, and Sri M. Srikanth Reddy, learned counsel for the bank, that the subject loan accounts in relation to which the bank initiated proceedings under the SARFAESI Act have all been settled.

In that view of the matter, the first limb of the writ prayer does not require to be considered on merits. Though the petitioners termed their second prayer as a consequential direction, we are of the opinion that the grievance of the petitioners with the SBI General Insurance Company Limited cannot be said to be a consequential one and would have to be independently adjudicated on its own merits. As to whether the petitioners would be entitled to any amount under the insurance policy that they took out with the said insurance company cannot be adjudicated in a writ petition filed under Article 226 of the Constitution. The remedy of the petitioners in this regard would lie elsewhere.

In that view of the matter, the writ petition is closed leaving it open to the petitioners to avail appropriate remedies in accordance with law before the proper forum in so far as their grievance with the SBI General Insurance Company Limited is concerned.

Pending miscellaneous petitions, if any, shall stand disposed of in the light of this final order. No order as to costs.

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SANJAY KUMAR, J

28th JUNE, 2018.

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T. AMARNATH GOUD, J

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