

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

WRIT PETITION NO.4226 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioners claim to be lease holders in respect of the premises bearing Shutter Nos.1 and 4 in the ground floor of the building bearing No.10-5 situated in Kodad Village and Mandal, Suryapet District. They are aggrieved by the action of the District Collector, Suryapet, and the Revenue Divisional Officer, Kodad, Suryapet District, in taking steps to dispossess them from the subject premises in relation to the proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*hereinafter*, 'the SARFAESI Act') by Pridhvi Asset Reconstruction and Securitization Company Limited, the secured creditor.

It is an admitted fact that the so-called leasehold rights claimed by the petitioners are under an unregistered agreement of lease dated 06.12.2016 executed in their favour by the sixth respondent herein. The monthly lease rental fixed thereunder stands at Rs.20,000/- indicating that they are not protected tenants under Rent Control Legislation.

In the light of insertion of Section 17(4A) in the SARFAESI Act with effect from 01.09.2016, under Act No.44 of 2016, any tenant claiming leasehold rights in the premises of a secured asset who is aggrieved by the measures initiated by the secured creditor in relation thereto is entitled to approach the jurisdictional Debts Recovery Tribunal thereunder. As an efficacious alternative remedy is provided to the petitioners, we are not inclined to entertain this writ petition or adjudicate the issues arising herein on merits.

The writ petition is dismissed on this short ground leaving it open to the petitioners to take recourse to the statutory remedy in accordance with law, if they so choose.

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

SANJAY KUMAR, J

T.AMARNATH GOUD, J

27th JUNE, 2018

Sv

