

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 SRI JUSTICE GUDISEVA SHYAM PRASAD

+ WRIT PETITION No.5310 of 2018

%Date: 18.04.2018

Between:

Neha Agarwal W/ o.Arun Kumar Agarwal,
Aged 44 years, R/ o.Plot No.341, Road No.23A,
Jubilee Hills, Hyderabad.

.. Petitioner

Vs.

\$ The Authorized Officer,
Indian Overseas Bank, Secunderabad and others

.. Respondents

! Counsel for petitioner : Mr.S.Niranjan Reddy

^ Counsel for respondents : Mr. E.MadanMohan Rao

<GIST:

>HEAD NOTE:

? CASES REFERRED: ----

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.5310 of 2018

ORDER: (Per V.Ramasubramanian, J)

The petitioner has come up with the above writ petition challenging an auction notice.

2. Heard Mr.S.Niranjan Reddy, learned Senior Counsel appearing for the petitioner and Mr. E.Madan Mohan Rao, learned counsel appearing the 2nd respondent Bank.

3. As against the auction notice, originally issued, the petitioner has already gone before the Tribunal in S.A. No.28/2018. The main ground on which the petitioner has come up before this Court is that an agricultural land is sought to be brought to sale under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in violation of Section 31(i) of the Act. But, the question as to whether the property mortgaged was an agricultural land and continues to be an agricultural land is a question of fact, which the Tribunal alone is competent to go into. The said issue can very well be agitated by the petitioner before the Tribunal.

4. Hence, leaving it open to the petitioner to contest all the issues before the Tribunal, the Writ Petition is dismissed.

5. Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

GUDISEVA SHYAM PRASAD, J

April 18, 2018

KTL

