

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

WRIT PETITION Nos. 5839 and 5891 OF 2018

COMMON ORDER: (per the Hon'ble Sri Justice Sanjay Kumar)

The petitioners in these two writ petitions claim to be lessees in possession of the secured assets in relation to which the State Bank of India initiated measures under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, "SARFAESI Act, 2002") culminating in orders under Section 14 thereof with regard to delivery of actual possession of the secured assets.

Sri B.S. Prasad, learned counsel for the State Bank of India, informed this Court that the demand notice under Section 13(2) of the SARFAESI Act, 2002, was issued on 13.07.2016, whereas the petitioners claim tenancy rights under lease deeds created after the said date. This aspect of the view is not in dispute.

In the light of the provisions of Section 13(13) of the SARFAESI Act, 2002, the lease documents under which the petitioners claim title would create no rights. The petitioners therefore have no locus to assail the proceedings initiated by the State Bank of India under the SARFAESI Act, 2002. On this short ground, both the writ petitions are dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall also stand dismissed.

SANJAY KUMAR, J

P. KESHAVA RAO, J

Date: 22.02.2018
ES/CCM