

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.5926 of 2018

Order: (per V.Ramasubramanian, J.)

The petitioners have come up with the above writ petition seeking a direction to the respondents to release the title documents pertaining to the properties mentioned in the main writ petition, by holding that the action in not releasing the title deeds was illegal and without jurisdiction.

2. Heard Mr. Addepalli Suryanarayana, learned Senior Counsel for the petitioners. We have also heard Mr. E.Madan Mohan Rao, learned Standing Counsel for the respondents/ Bank.

3. The case has a checkered history. It appears that a demand notice was issued on 03-11-2010 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Thereafter, the petitioners have made payments.

4. However, contending that those payments made over a period of three years after the issue of the demand notice, do not discharge the entire liability, the Bank appears to have filed an original application under Section 19. Thereafter, the Bank also initiated proceedings under the Securitisation Act, 2002.

5. Many events have happened during the period from 2011 to 2018, leading to the filing of appeals under

Section 17 of the Securitisation Act, writ petitions, civil revision petitions etc.

6. Considering the list of appeals filed under Section 17 and the list of writ petitions and civil revision petitions filed in the past seven years, we are of the considered view that the prayers made by the petitioners in this writ petition ought to be made only before the Tribunal. It is stated that the auction sale has taken place. Therefore, all the actions of the Bank are to be challenged by the petitioners only either in the appeals already pending or in a newly instituted appeal whichever is permissible in law. This is not a case where this Court would exercise the jurisdiction under Article 226 of the Constitution of India in view of the decision of the Supreme Court in ***State Bank of Travancore v. Mathew K.C.***¹, especially considering the past history of the litigation. Therefore, the writ petition is dismissed, leaving it open to the petitioners to approach the Tribunal. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

24th April, 2018.
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¹ (2018) 3 SCC 85

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[per VRS, J.]



24th April, 2018.
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