

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION NO.8106 OF 2018

ORDER: (per SK,J)

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

'For the reasons stated in the accompanying affidavit, the petitioner prays this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the orders dated 20.02.2018 passed in S.A.No.79 of 2017 on the file of the Debts Recovery Tribunal-I at Hyderabad in dismissing the Securitization Application of the petitioner under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) challenging the sale of the Application Schedule Property by the 2nd Respondent Bank on 24.01.2017 pursuant to the Auction Notice dated 13.12.2016 issued under the provisions of SARFAESI Act 2002 as being illegal, void and contrary to law and being violative of Article 14 of the Constitution of India and consequently set aside the same including the sale and Sale certificate by 2nd Respondent Bank in favour of the 3rd Respondent and pass such other order or orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.'

Sri Venkat Reddy Thipparthi, learned counsel for the petitioner, is unable to make out any exceptional ground warranting interference by this Court under Article 226 of the Constitution ignoring the statutory remedy of appeal available to the petitioner under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

Further, having already invoked the remedy of filing a Securitisation Application under Section 17 of the SARFAESI Act before the jurisdictional Debts Recovery Tribunal, it is not open to the petitioner to now ignore the appellate remedy provided to him under the said enactment and seek to invoke the writ jurisdiction of this Court.

On this short ground, the writ petition is dismissed. This order shall however not preclude the petitioner from availing the statutory remedy of appeal in accordance with law.

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

SANJAY KUMAR,J

D.V.S.S.SOMAYAJULU,J

Date:12.03.2018

GJ

