

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 ABHINAND KUMAR SHAVILI

WRIT PETITION No.9203 OF 2018

Between:

P.V.S Ramu,
Aged : Major, Occ: Business,
(Prop. of M/ s.Lochana Constructions),
R/ o.D.No.1-341, TVP Palem, Visakhapatnam

...Petitioner

Vs.

Oriental Bank of Commerce,
MVP Colony Branch, Visakhapatnam,
Rep. by its Authorized Officer.

.. Respondent

For Petitioner : M/ s.T. Vijay Kumar

For Respondent :

Gist :

Head Note :

Cases Referred : Nil



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AND

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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ORDER: (per V. Ramasubramanian, J)

Aggrieved by the auction sale notice issued in terms of the provisions of the Security Interest Act, 2002, the borrower has come up with the above writ petition.

2. Heard Mr. T. Vijay Kumar, learned counsel for the petitioner.

3. The main contention of the petitioner is that the property sought to be sold is an agricultural land which is exempted under Section 31(i) of the SARFAESI Act, 2002. But, the said contention is also a contention that can be validly raised by the petitioner before the Debts Recovery Tribunal. There are no extraordinary circumstances for by-passing the alternative remedy of appeal.

4. Therefore, leaving it open to the petitioner to go before the Debts Recovery Tribunal, this Writ Petition is dismissed.

5. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

March 22, 2018
KTL