

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
And
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

+ W.P.No.9575 of 2018

%Date: 22-03-2018

Between:

A. Rajalakshmi, D/o. Late A. Kannabhiram
Spinster, Household, R/o. 1-11-252/49,
Motilal Nagar, Begumpet, Hyderabad -500 016.

... Petitioner

Vs.

1. Punjab National Bank, rep. by Chief Manager, 4-1-427 Bank Street, Hyderabad, and also ARMB, Syeed Plaza Lakdi-ka-pul, Hyderabad.
2. Sri B. K. Ramesh Babu, Advocete Commissioner, Flat No.15, Block-17, MIG-II Opp. Sai Baba Temple, Baghlingampally, Hyderabad – 44.
3. The Chief Manager, Assets Recovery Management Branch, Syeed Plaza, Lakdi-ka-pul, Hyderabad.
4. Sri Ch. Madhusudan Raju, S/o. Chengal Raju, Managing Director Scion Foods & Feeds Pvt. Ltd., Door No.16-11-16/G/8, Prashant Nagar, Ganga Society, Malakpet, Hyderabad – 500 070.

... Respondent

! Counsel for the Petitioner

: Mr. R. Ravi Kumar

^ Counsel for the Respondents

: Mr. A. Satyanarayana

<GIST:

> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
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ORDER: (per VRS,J)

Aggrieved by the threat of dispossession in terms of the SARFAESI Act, 2002, the petitioner has come up with the above writ petition.

2. Heard Mr. R. Ravi Kumar, learned counsel for the petitioner. Mr. Ambatipudi Satyanarayana, learned counsel takes notice for the 1st respondent-Punjab National Bank.

3. The case of the petitioner is that the property sought to be brought to sale, belonged to her mother and that her mother died intestate on 06.03.2018. Therefore, according to the petitioner she has inherited a portion of the property, and hence, without reference to her the property cannot be brought to sale.

4. Even according to the petitioner, the property was allegedly sold by the petitioner's mother to the 4th respondent. The petitioner contends that it is a forged document. But this is a question of fact, which cannot be adjudicated in a writ petition. Therefore, leaving it open to the petitioner to approach the Debts Recovery Tribunal, the writ petition is dismissed.

5. As a sequel, the miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J.

ABHINAND KUMAR SHAVILI, J.

22nd March, 2018
Js.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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22nd March, 2018

Js.