

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.9228 OF 2018

Between:

Dhruv Medical Center, A Partnership Firm,
Vinayak towers, Survey No.33, Bowenpally Check Post,
Secunderabad, rep. by its Managing Partner
Sri Kishan Chand Agarwal, R/ o. Plot No.575,
Panchasheel Enclave, Behind NCL Colony Kompally,
Secunderabad and others.

...Petitioners

Vs.

M/ s. Andhra Bank,
Specialized Asset Recovery Management Branch,
Rep. by its Branch Manager, 1st Floor, Andhra Bank
Buildings, Sultan bazaar, Koti and another

.. Respondents

For Petitioners : M/ s. Sharad Sanghi

For Respondents : Sri A. Krishnam Raju

Gist :

Head Note :

Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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ORDER: (per V. Ramasubramanian, J)

Challenging the notices issued under Rule 8 (6) and Rule 9 (1) of the Security Interest (Enforcement) Rules, 2002, the borrowers have come up with the above writ petition.

2. Heard Mr.Sharad Sanghi, learned counsel for the petitioners. Mr.A.Krishnam Raju, learned counsel takes notice for the respondents.

3. The main objection of the petitioner to the impugned action of the respondents is that the notices under Rules 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002, are issued on the same date, clearly violating the statutory mandate. But, there is no reason why the petitioners cannot go before the Tribunal and raise the very same issue. The importance of directing the parties to avail the alternative remedy of appeal in such matters was highlighted by the Supreme Court very recently in Authorized Officer, State Bank of Travancore vs. Mathew K.C. (Civil Appeal No.1281 of 2018), dated 30.01.2018

4. Therefore, the writ petition is dismissed with liberty to the petitioner to approach the Tribunal.

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 23, 2018

KTL