

* 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.11544 of 2018

%Date: 09-04-2018

Between:

Sri Gurram Ramesh Reddy
S/o. Sri Krishna Reddy,
R/o. Flat No.302, Balaji Residency,
Plot No.46/A, Vengal Rao Nagar Colony,
Hyderabad.

... Petitioner

Vs.

Canara Bank, ARM Branch,
Himayath Nagar, Hyderabad,
Rep. by its Authorised Officer.

... Respondent

! Counsel for the Petitioner : Mr. T. Vijay Kumar

^ Counsel for the Respondent : Mr. Dishit Bhattacharjee

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> HEAD NOTE:

? Cases referred

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

W.P.No.11544 of 2018

ORDER: (per VRS,J)

Challenging a sale notice dated 12.02.2018, the petitioner has come up with the above writ petition.

2. Heard Mr. T. Vijay Kumar, learned counsel for the petitioner and Mr. Dishit Battacharjee, learned Standing Counsel takes notice for the respondent.

3. The impugned auction sale notice is dated 12.02.2018. The date of the auction was indicated as 27.03.2018. The writ petition itself was filed on 04.04.2018.

4. It is represented by the learned counsel for the respondent that the sale was already concluded on 27.03.2018 and that therefore, the challenge to the sale notice will not lie any more. In addition, the petitioner appears to have filed an appeal under Section 17, in S.A.No.336 of 2014 as against the sale notice dated 18.03.2014. Though the present auction sale notice is a fresh cause of action, there is no reason why the petitioner should not follow the very same practice of going before the Tribunal.

5. In *Authorised Officer v. Methews K.C* decided on 30.01.2018 in CIVIL APPEAL No. 1281 OF 2018 (Arising out of SLP (C) No.24610 of 2015) the Supreme Court has cautioned the Courts against entertaining the writ petitions without directing the parties to go before the Debts Recovery Tribunal. Therefore leaving it open to the petitioners to go before the Tribunal, the writ petition is dismissed. There shall be no order as to costs.

5. As a sequel, miscellaneous petitions pending in this writ petition,
if any, shall stand closed.

V. RAMASUBRAMANIAN, J.

ABHINAND KUMAR SHAVILI, J.

9th April, 2018
Js.



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
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W.P.No.11544 of 2018
(Per VRSJ)



9th April, 2018

Js.