

* 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.11551 of 2018

%Date: 09-04-2018

Between:

1. M/s. Dandanjaneya Brick Industries, (Proprietary Concern)
RS.No.32/3B1, Kanchala Village, Nandigama Mandal, Krishna
District, State of Andhra Pradesh, rep. by its Proprietor Smt.
Chelamala Bhavani, W/o. Mr. Chelamala Venkateswara Rao, R/o.
H.No.8-117, Raitupeta, Nandigama, Krishna District, State of
Andhra Pradesh.
2. Chelamala Venkateswara Rao, S/o. Sri Kotaiah, R/o. H.No.8-117,
Raitupeta, Nandigama, Krishna District, State of Andhra Pradesh.

... Petitioner

Vs.

1. Authorised Officer, State Bank of India, Main Branch, Nandigama,
Krishna District, State of Andhra Pradesh.
2. The Chief Manager, State Bank of India, Main Branch, Nandigama,
Krishna District, State of Andhra Pradesh.

... Respondent

! Counsel for the Petitioners : Mr. Ch. Ramesh Babu

^ Counsel for the Respondents : Mr. M. Srikanth Reddy SC

<GIST:

> HEAD NOTE:

? Cases referred

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

W.P.No.11551 of 2018

ORDER: (per VRS,J)

Challenging a notice of intended sale issued under Section 8(6) of the Security Interest (Enforcement) Rules, 2002, the borrowers have come up with the above writ petition.

2. Heard Mr. Ch. Ramesh Babu, learned counsel for the petitioners. Mr. M. Srikanth Reddy, learned Standing Counsel takes notice for the respondents.

3. Though the provocation for the petitioners to come up with the above writ petition is the notice under Rule 8(6) issued on 16.03.2018, the petitioner has challenged the notice under Section 13(2) dated 28.11.2017 as well as the possession notice dated 21.02.2018. The grievance of the petitioners as against the measures taken by the respondents, are two fold, viz., (a) that even before expiry of the time limit prescribed for OTS, the demand under Section 13(2) was made; and (b) that without passing an order under Section 13(3A), the possession notice under Section 13(4) was issued.

4. Though we may not be able to agree with the petitioners on both the contentions, we do not wish to get into the same as the petitioners have an efficacious alternative remedy of appeal to the Tribunal under Section 17. 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
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11551 of 2018
(Per VRSJ)



9th April, 2018

Js.