

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.11846 of 2018

Order: (per V.Ramasubramanian, J.)

Challenging the fixation of reserve price at a particular amount in the auction sale notice and also challenging the auction held on 09-8-2017, the petitioner has come up with the above writ petition.

2. Heard Mr. M.V. Subba Reddy, learned counsel for the petitioner and Mr. B.S. Prasad, learned Standing Counsel for the respondents 1 and 2/Bank.

3. It appears that the first auction sale notice dated 28-6-2017 and the fixation of reserve price at the same amount, was challenged by the petitioner in two earlier writ petitions in W.P.Nos.26480 and 29686 of 2017. But, these two writ petitions were allowed to be withdrawn, on 16-02-2018, with liberty to challenge the sale held, after impleading the auction purchasers. Therefore, challenging the fixation of reserve price, holding of the auction and the subsequent developments, the petitioner has come up with the present writ petition.

4. The liberty granted to the petitioner in W.P. Nos.26480 and 29686 of 2017, need not be construed as a liberty granted to him to bypass the alternative remedy of appeal and to come up before this Court. A period of six months has elapsed from the date of auction.

5. The main grievance of the petitioner is that valuation given way back in the year 2014 after the conversion of the property from agricultural land to house site, was adopted after three years in the year 2017. This point was available to the petitioner in the previous writ petitions filed before the sale actually took place. But having failed to obtain an interim order in the previous writ petitions, the property was put to sale. Therefore, the petitioner had to withdraw previous writ petitions.

6. Instead of repeatedly knocking at the doors of this Court, the petitioner could have filed an appeal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. If the petitioner had done so, any subsequent development in the form of a sale could have also been challenged before the Tribunal itself.

7. We find no reason to entertain the writ petition. Hence, giving liberty to the petitioner to approach the Tribunal, the writ petition is dismissed. The applications, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

10th April, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.11846 of 2018
(per VRS, J.)



10th April, 2018.
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