

*THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

*THE HON' BLE MS. JUSTICE J. UMA DEVI

+ WRIT PETITION No.12868 of 2018

%13.04.2018

Smt.Sddineni Lakshmi W/ o.Karuna Kumar,
Blakulu Gudurapadu Village, Khammam District.

.. Petitioner

Vs.

\$ The Union of India,
Rep. by its Prl.Secretary, Revenue (Finance & Banks)
Secretariat, New Delhi and others

.. Respondents

! Counsel for petitioner : M/ s.Mummaneni Srinivasa Rao

^ Counsel for respondents : K.Lakshman, Asst. Solicitor General

<GIST:

>HEAD NOTE:

? CASES REFERRED: ----



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THE HON' BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No.12868 of 2018

ORDER: (Per V.Ramasubramanian, J)

Challenging the possession notice issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the guarantor has come up with the above writ petition.

2. Heard Mr. M.Srinivasa Rao, learned counsel for the petitioner.

3. The main grievance of the petitioner is two fold, namely, (a) that without proceeding against the hypothecated machinery, the bank is proceeding against the property of the guarantors and (b) that since the borrower has already died, the petitioner wants to settle the dues under Section 13(8) of the Act.

4. But, both the above grounds can be raised by the petitioner very well before the Tribunal. When these grounds are available to be raised before the Tribunal, there is no reason to by-pass the remedy. In fact, the impugned notice is only a possession notice. The matter has not reached the stage of sale. Therefore, it is not too late for the petitioner to approach the Tribunal seeking the very same relief.

5. With the above liberty, the writ petition is dismissed. Consequently, miscellaneous petitions if any pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

April 13, 2018

KTL

