

* 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

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

+ W.P.NO.13331 of 2018

% Date: 17-04-2018

Between:

Koneru Krishna Veni, W/o. K. Srinivas Kumar,
Sole Proprietor of Haripriya Bulk Carriers,
R/o. Flat No.504, 5th Floor, Sri Nandini Towers,
4th Cross, Gurunanak Colony, Vijayawada.

.... Petitioner

And

1. The Indian Bank rep. by its General Manager, Corporate Office,
254-260, Avvai Shanmugham Salai, Royapettah, Chennai – 600
014.
2. The Chief Manager and Authorized Officer, Indian Bank, Gurunanak
Nagar, Vijayawada, Krishna District.
3. The State of A.P., rep. by its Principal Secretary, Department of
Home, Secretariat, Velagapudi, Amaravathi.

... Respondents

! Counsel for the Petitioner : Mr. Ramana Allu

^ Counsel for Respondent : Mr. B.S. Prasad

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> HEAD NOTE:

? Cases referred

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

WRIT PETITION No.13331 of 2018

ORDER: (Per VRS,J.)

The petitioner has come up with the above writ petition challenging a possession notice issued under Section 13(4) of the SARFAESI Act, 2002.

2. Heard Mr. Ramana Allu, learned counsel for the petitioner.

3. The grievance of the petitioner is that misfortune struck the family one after the other in succession. The petitioner's house was raided by the Anti Corruption Bureau. According to the petitioner all the properties including the Bank accounts were sized by the Anti Corruption Bureau. At this stage, the Banks also initiated action under SARFAESI Act, 2002 and hence, the banks should be prevented from proceeding until the properties are handed over by the Anti Corruption Bureau.

4. The fact that the petitioner's husband was proceeded against by the Anti Corruption Bureau, is not a good ground to stall the proceedings under the SARFAESI Act, 2002. In any case, there is no justification for bypassing the alternative remedy of appeal. Therefore, leaving it open to the petitioner to approach the Tribunal under Section 17, the writ petition is dismissed. There shall be no order as to costs.

5. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE J. UMA DEVI

17th April, 2018
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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