

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.14056 of 2018

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Writ Petition is filed seeking a writ of certiorari to call for the records and to set aside the order passed by the Debt Recovery Tribunal, Hyderabad in S.A.No.278 of 2015 dated 21.03.2018; and to declare the e-auction-cum-sale notice dated 25.03.2015 as illegal, arbitrary and in violation of principles of natural justice. A further direction is sought to the respondent-Bank to consider releasing the title deeds of the petitioner upon payment of the basic value of the mortgaged property.

Facts, in brief, are that the petitioner approached the Debt Recovery Tribunal, Hyderabad, filing S.A.No.278 of 2015, questioning the e-auction-cum-sale notice dated 25.03.2015. It is the case of the petitioner that an order of status-quo was initially passed by the Debt Recovery Tribunal on 29.04.2015, and the S.A. eventually came to be dismissed on 21.03.2018. Sri K.Pavan Kumar, Learned Counsel for the petitioner, would submit that no auction was conducted on 25.03.2018.

While the cause in the Writ Petition, in so far as it concerns the e-auction-cum-sale notice dated 25.03.2015, may no longer survive, the consequential relief which the petitioner seeks is to release the mortgaged property on payment of its basic value. The petitioner had guaranteed the loan, secured by the borrower, from the respondent-Bank. No statutory right of his, which would require the respondent-Bank to release the title deeds on payment

of the basic value of the property, has been violated necessitating exercise of the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India. While the petitioner is always entitled to participate in the auction to be held for sale of the mortgaged property, no direction can be sought from this Court that the property should be released in his favour merely on payment of the basic value, as the respondent-Bank is entitled to realize its dues by sale of the mortgaged property to the highest bidder in the auction.

The Writ Petition as filed is wholly misconceived and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

Date: 16th August, 2018.

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