

**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 MS. JUSTICE J. UMA DEVI**

W.P.No.14568 of 2018

Date: 26-04-2018

Between:

M/s. Gousiya Jewellers, represented by partners
By Mrs. Gousiya Mitaighar and Mr. Abdul Rawoof
Mitaighar, D.No.17-82, Main Bazar, Dharmavaram
Ananthapur District and 2 others

... Petitioners

And

The Karur Vysya Bank, represented by Authorised
Officer, Priya Towers, 1st floor, NGO Colony,
K.T. Road, Near Annarao Circle, Tirupathi,
Chittoor District and another

... Respondents

Counsel for the Petitioner : Ms. P. Narahari Babu

Counsel for Respondents : Mr. P. Rajesh Babu, Standing
Counsel

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.14568 of 2018

ORDER: *(per V. Ramasubramanian,J)*

The petitioners have come up with the above writ petition challenging an order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

2. Heard the learned counsel on both sides.

3. The order impugned in the writ petition was passed on 05-09-2017. It appears that the warrant was not executed, but the reasons are not decipherable. According to the petitioners, they have paid some amounts subsequent to the impugned order. If it is so, the petitioners should have moved the Tribunal under Section 17 of the Act. There is no reason to bypass the alternative remedy of appeal.

Leaving it open to the petitioners to move the Tribunal, the writ petition is dismissed.

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

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 26-04-2018
Ksn