

**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No. 17670 OF 2018

ORDER : *(Per Hon'ble Sri Justice U.Durga Prasad Rao)*

Heard regarding the admissibility of the Writ Petition.

2. The grievance of the learned counsel for the petitioners Sri K.B. Ramanna Dora is that in the notice dated 09.04.2018 issued under Section 13(2) of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'), the amount due was mentioned as Rs. 1,43,49,512/- whereas in the paper publication dated 09.04.2018 issued in Eenadu Telugu daily, the amount due by 31.3.2018 was mentioned as Rs. 1,56,03,539/-, which is at variance as per statutory notice. That apart, though the property mentioned in the lot No. 1 of the paper advertisement is sufficient to discharge loan amount due to the Bank, the respondent Bank is proposing auction lot Nos. 1 & 2 also. On all these submissions, learned counsel sought for admission of the Writ Petition.

3. Learned counsel for first respondent would oppose the petition on the main submission that the Writ is not maintainable when an efficacious alternative remedy is available to the petitioners before the Debts Recovery Tribunal.

4. This Court on perusal of the judgment in **AUTHORISED OFFICER, STATE BANK OF TRAVANCORE AND OTHERS VS. MATHEW K.C.**¹ agrees with the submission of the learned counsel for respondent. In the light of the ratio in the said judgment, liberty is given to the petitioners to pursue their remedies before the Debts Recovery Tribunal as per law.

¹ AIR 2018 SC 676

5. With this observation, the Writ Petition is disposed of at the admission stage. As a sequel thereto, miscellaneous applications pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 17.05.2018
KA

ABHINAND KUMAR SHAVILI, J

Note: Furnish copy today
(By order)
KA

