

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION No.17747 of 2018

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case reads as under:

“ For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ order or direction more particularly one in the nature of Mandamus that respondents 1 and 4 do not have any authority of law to dispossess the petitioner from the subject land admeasuring 25 guntas in Sy.No.40, 4.958 guntas in Sy.No.54 and 6 guntas in Sy.No.55/1 of Raidurg Navkhalsa Village, Serilingampally Mandal, Ranga Reddy District (totally admeasuring 35.958 guntas) under the provisions of the SARFAESI Act, 2002 since the 1st respondent has never taken physical possession by recourse to Section 14 of the said Act and consequently direct the respondents 1 and 4 from dispossessing the petitioner from the subject land except in accordance with law/without obtaining a possession decree from a competent civil court and grant such other relief as it deems fit in the circumstances of the case.”

2. By order dated 17.05.2018, this Court granted an interim direction restraining the respondents from dispossessing the petitioner from the subject property. The said interim order was continued thereafter from time to time.

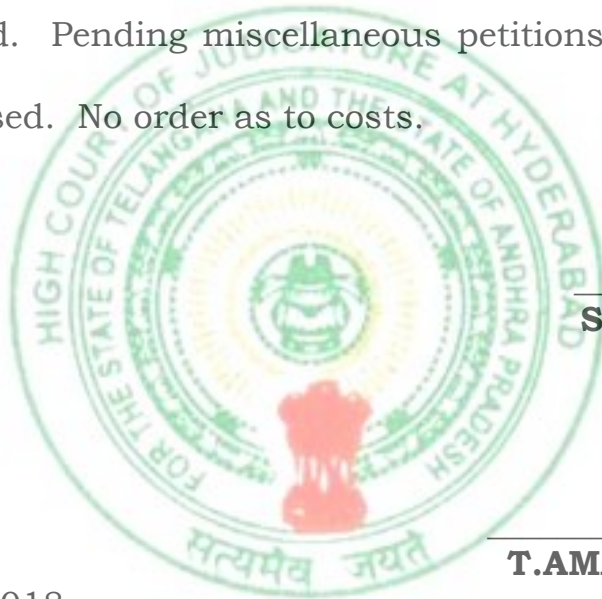
3. In the light of the law laid down by the Supreme Court recently in **ITC Limited V/s Blue Coast Hotels Limited**¹, the legal position stands settled that even after confirmation of the sale, a secured creditor would be at liberty to invoke the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the SARFAESI Act), for obtaining the possession of the secured asset, so that the sale transaction could be completed by

¹ (2018) SCC OnLine SC 237

transferring the actual physical possession of the asset sold to the auction purchaser.

4. In that view of the matter, the contention of the petitioner in this regard is without merit. However, it is for the Indian Overseas Bank, the first respondent, to take measures under Section 14 of the SARFAESI Act for obtaining possession of the secured asset sold to the fourth respondent, the auction purchaser.

5. The writ petition is accordingly dismissed, subject to the aforestated observation. Interim order dated 17.05.2018 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

T.AMARNATH GOUD, J

Date: 07.08.2018
TJMR