

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE MS JUSTICE J. UMA DEVI

Writ Petition No.38149 of 2018

Date: 25-10-2018

Between:

Yerram Venkata Ramana, S/o Narasimha Rao,
Hindu, aged about 48 years, presently residing at
Green Hollow Drive, New Jersey, USA, represented
By Special Power of Attorney Holder Sri Kurra Vinod
Kumar, S/o Punna Rao, Hindu, aged about 40 years,
R/o Door No.7-17-21/7A, 6th lane, Srinagar, Guntur

... Petitioner

Vs.

The Authorised Officer, Karur Vysya Bank Limited,
Lalapet, Guntur and another

.. Respondents

For Petitioner : Mr. Raja Reddy Koneti

For Respondents : Mr. K. Lakshman, A.S.G. for 2nd
respondent

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.38149 of 2018

ORDER: (V. Ramasubramanian, J)

The petitioner has come up with the above writ petition, challenging an auction sale notice issued by the Authorised Officer of the 1st respondent-Bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "Securitisation Act, 2002").

2. Heard Mr. Raja Reddy Koneti, learned counsel for the petitioner.

3. The main grievance of the petitioner is that the petitioner stood as guarantor for a loan secured by a company. But, without the knowledge of the petitioner and behind his back, a fresh agreement was entered into between the bank and the borrower, resulting in novation and that therefore, the guarantor, who had no knowledge about such a novation cannot be proceeded against.

4. The aforesaid point merits acceptance not by this Court, but only by the Tribunal. This is an issue, which the Tribunal is competent to decide.

5. Therefore, leaving it open to the petitioner to approach the Debts Recovery Tribunal under Section 17 of the Securitisation Act, 2002, this writ petition is dismissed. There shall be no order as to costs.

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

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 25-10-2018

Issue: C.C. today

B.O./Ksn

