

**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.38527 of 2018

Date: 25-10-2018

Between:

N. Ankineedu Choudary, S/o N. Prasad, aged 36 years,
Occupation: Business, R/o Proprietor of M/s. Digital
Factory, Sy.No.147, Beside, Kadevi Industries,
Ankireddypally, Keesara Mandal, Medchal, Malkajgiri
District.

... Petitioner

Vs.

The Authorised Officer, the South Indian Bank Limited,
C/o Assistant General Manager, South India Bank Ltd.,
Regional Office, Secunderabad and another

.. Respondents

For Appellant : Mr. R. Ranganathan

For Respondents :

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.38527 of 2018

ORDER: (V. Ramasubramanian, J)

The petitioner has come up with the above writ petition seeking a mandamus to direct the Authorised Officer to consider their representation made in response to a demand notice issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "Securitisation Act, 2002").

2. Heard the learned counsel for the petitioner.

3. As per the procedure prescribed under the Securitisation Act, 2002, the Authorised Officer is obliged to consider any representation made in response to the demand notice and pass an order under Section 13 (3A) of the Act. It is only thereafter that the steps indicated in Section 13 (4) of the Act are to be taken. The very fact that no steps under Section 13 (4) of the Act have been initiated so far, would show that the Bank is not proceeding further. At this stage, we do not know why the petitioner should come to Court and seek a direction to the 1st respondent to pass an order. The Authorised Officer would certainly know that it is only after he passes an order, he can proceed under Section 13 (4) of the Act and the petitioner will have a cause of action only if steps are taken under 13 (4) of the Act. Therefore, the writ petition is dismissed as premature. 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

Ksn

