

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

+ Writ Petition No.38866 of 2018

% Date: 01-11-2018

- # 1. Ramini Ramulu S/o Late Ananthaiah,
Aged 63 years, R/o Flat Nos.201 & 202,
Plot No.C16, Sriman Residency,
Chitra Layout, L.B. Nagar, Hyderabad
2. Vuppala Bharathaiah S/o Late Ramulaiah,
Aged 49 years, Occ: Agriculture, R/o H.No.18-46,
SBI Lane, Achampet, Mahaboobnagar District
3. Smt. Ramini Sadguna W/o Ramulu,
Aged 50 years, R/o Flat Nos.201 & 202,
Plot No.C16, Sriman Residency,
Chitra Layout, L.B. Nagar, Hyderabad
4. K.Raghu Maharshi S/o Rajendra Prasad,
Aged 30 years, Occ: Business,
R/o H.No.16-49/1, Sri Krishna Nagar,
Road No.5, Dilsukhnagar, Hyderabad

... Petitioners

Vs.

\$ Andhra Bank, R.P. Road Branch, Secunderabad,
Rep. by its Authorised Officer

... Respondent

! Counsel for Petitioners: Mr. A.Rajashekar Reddy

Counsel for Respondent: Smt. V.Dyumani, representing
Mr. K.Laxminarayana

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

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Order: (per V.Ramasubramanian, J.)

The petitioners have come with the above writ petition challenging the proceedings initiated by the respondent/Bank including the Possession Notice under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Heard Mr. A.Rajashekar Reddy, learned counsel for the petitioners. Smt. V.Dyumani, learned counsel, takes notice for the respondent/Bank.

3. The main grievance of the petitioners is that they are the owners of Plot Nos.91, 93, 94 and 95 in Survey No.9/1 and 9/2 of Bahadurguda Village, Saroornagar Mandal, Ranga Reddy District, they having purchased the same under four different sale deeds of the year 2008. The petitioners claim to have purchased the land together with the buildings thereon, bearing house numbers assigned by the Corporation.

4. According to the petitioners, the respondent/Bank has started proceeding against their property, mistaking the identity of the mortgaged property, to that of their property. It is the case of the petitioners that they were neither borrowers nor third party guarantors nor persons who offered security as third parties for any loan taken by somebody else.

5. But unfortunately, the above contentions, including the contention relating to the identity of the mortgaged property are not capable of being resolved in a petition under Article 226 of the Constitution of India. The petitioners should either approach the Tribunal or if permitted by law, the Civil Court to work out their remedies. This is due to the fact that the adjudication of the dispute involves disputed questions of fact, for which evidence has to be let in by both sides. Therefore, leaving it open to the petitioners to work out their remedies in an appropriate forum, this writ petition is dismissed. Pending applications, if any, shall stand closed. No costs.



V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

01st November, 2018.
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AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.38866 of 2018
(per VRS, J.)



01st November, 2018.
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