

***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.39508 OF 2018

% Date:05.11.2018

Between:

M. Prabhakar Rao S/o. Late Mohan Rao
R/o.S.R. Enclave, Sadananda Nagar,
Banglore.

... Petitioner

v.

\$ State Bank of India,
Rep. by its Authorized Officer,
Hoskote SME, Banglore Rural.

.. Respondent

! For Petitioner

: Mr. C. Raghu

^ For Respondent

: Mr. B.S. Prasad

< Gist

:

> Head Note

:

? Cases Referred

: Nil

C/15

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

WRIT PETITION No.39508 OF 2018

ORDER: *(Per V. Ramasubramanian, J)*

Challenging an auction sale notice issued by the Authorized Officer under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act'), the borrower has come up with the above writ petition.

2. Heard Mr. C. Raghu, learned counsel for the petitioner. Mr.B.S. Prasad, learned counsel takes notice for the respondent.

3. The petitioner earlier came up with a writ petition in WP No.31209 of 2018 challenging the previous notice. To his good fortune, there were no takers in the first auction. In any case, this Court was not convinced about the merits of the case. Therefore, seeking liberty to repay the debts before 31.12.2018, the petitioner withdrew the writ petition. Granting the liberty so sought, the writ petition was dismissed on 04.09.2018.

4. The petitioner had also approached the Tribunal in S.A. No.275 of 2018, challenging the possession notice. The same is pending before the Tribunal. Therefore, any of the measures taken under Section 13 (4) of the Securitisation Act, for bringing the property to sale, is also a matter which falls for adjudication within the appeal in SA No.275 of 2018. The appropriate course of action open

to borrowers in such cases is only to move miscellaneous petitions in the pending appeal and not to move a writ petition against the subsequent measures.

5. Hence, the writ petition is dismissed leaving it open to the petitioner to approach the Tribunal. As a sequel thereto, miscellaneous petitions, if any pending, shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

November 05, 2018

KTU

J. UMA DEVI, J

