

***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.39669 OF 2018

% Date:05.11.2018

Between:

Vanga Rajitha W/o.Ram Prabhakar Reddy,
R/o.Employees Colony, Yapral, Secunderabad
and another.

... Petitioner

v.

\$ Bank of India, Rep. by its Managing Director,
Bandra Kurla Complex, Banda, Mumbai and another.

.. Respondents

! For Petitioner

: Mr.L. Ravichander
Senior Cousnel

^ For Respondent

: Mr. S. Suribabu

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> Head Note

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? Cases Referred

: Nil

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

WRIT PETITION No.39669 OF 2018

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

Challenging a demand notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act'), dated 10.04.2018 and a sale notice dated 24.09.2018, the borrower has come up with the above writ petition.

2. Heard Mr. L. Ravinchander, learned Senior Counsel for the petitioners and Mr. S. Suribabu, learned Standing Counsel for the respondents.

3. All the measures taken under Section 13 (4) of the Act are challenged primarily on the ground that the properties are agricultural lands and that therefore, Section 31(i) of the Securitisation Act would apply. But, the question as to whether the secured assets are agricultural lands or not, is a question of fact that can be easily adjudicated by the Debts Recovery Tribunal. Therefore, the appropriate course of action open to the petitioners is only to go before the Tribunal.

4. Hence, with liberty to the petitioners to approach the Tribunal, this writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any pending, shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

November 05, 2018
KTL