

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

+ Writ Petition No.40109 of 2018

% Date: 08-11-2018

Surisetty Aruna Rani Devi W/o Late Satyanarayana,
Aged 62 years, Occ: Housewife,
R/o D.No.49-44-28/3, S.S. Towers, Dondaparthi,
Akkayapalem, Visakhapatnam-530 016

... Petitioner

Vs.

\$ The Canara Bank, Rep. by its Authorised Officer,
Overseas Branch, Resapuvanipalem, Visakhapatnam

... Respondent

! Counsel for Petitioner: Mr. Ramana Allu

Counsel for Respondent: ---

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> Head Note:

? Cases referred:
Nil.

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

Writ Petition No.40109 of 2018

Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition, challenging an E-Auction Notice issued by the Authorised Officer under the Securitisation Act, 2002.

2. Heard Mr. Ramana Allu, learned counsel for the petitioner.

3. As against a possession notice issued on 01-7-2017, the lessee of the property went before the Tribunal in S.A.No.273 of 2017 and obtained an interim order of protection, way back on 13-9-2017. Therefore, the petitioner got the possession safeguarded.

4. As against a first e-auction notice issued in August, 2018, the petitioner filed W.P.No.24304 of 2018, but the same became infructuous as the sale got postponed.

5. Now when the Bank issued a fresh e-auction notice on 20-10-2018, fixing the date of auction as 08-11-2018, the petitioner has again come to Court.

6. The appropriate course of action open to the petitioner is to go to the Debts Recovery Tribunal. The petitioner challenges the impugned auction notice on the ground that no statutory notice was issued. This is a question of fact that should be adjudicated by the Tribunal first. Therefore, leaving it open to the petitioner to go before the

Tribunal, this writ petition is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

08th November, 2018.
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Writ Petition No.40109 of 2018
(per VRS, J.)



08th November, 2018.
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