

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

+ Writ Petition No.40716 of 2018

% Date: 13-11-2018

M/s. K.P.R. Constructions (formerly known as Vellanti Associates),
Rep. by its Managing Partner K.Pattabhi Ram Reddy
S/o Ramachandra Reddy, Aged 84 years, Occ: Business,
R/o Flat No.302, Jagannath Enclave, Opp. Iskon Temple,
Iskon City, Nellore

... Petitioner

Vs.

\$ 1. The Regional Manager, Syndicate Bank, Nellore Region,
Om Shanti Towers, Ritwik Enclave, A.K. Nagar,
Nellore-524 004, Andhra Pradesh

2. The Authorised Officer/Chief Manager, Syndicate Bank,
SME Branch, Om Shanti Towers, Ritwik Enclave,
A.K. Nagar, Nellore-524 004

... Respondents

! Counsel for Petitioner: Mr. E.Madan Mohan Rao

Counsel for Respondents 1&2: ---

< Gist:

> Head Note:

? Cases referred:
Nil.

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Order: (per V.Ramasubramanian, J.)

Challenging the possession notice under Section 13(4) of the Securitisation Act, 2002, the borrower has come up with the above writ petition.

2. Heard Mr. E.Madan Mohan Rao, learned counsel for the petitioner.

3. The main ground of attack to the impugned possession notice is that the Authorised Officer issued a demand notice on 01-7-2017 after which the petitioner made payments. Therefore, the Authorised Officer issued a fresh demand notice on 03-4-2018 for an amount different from the one indicated in the first notice.

4. After the petitioner submitted their reply to the second demand notice, the Bank has issued the possession notice for an entirely different amount. This impugned possession notice interestingly has reference to a demand notice dated 25-01-2017 which was not issued to the petitioner and this possession notice does not also have a reference to the two demand notices dated 01-7-2017 and 03-4-2018 received by the petitioner. Therefore, the learned counsel for the petitioner contended that the impugned notice reflects total non-application of mind and a complete violation of the procedure prescribed under Section 13(4).

5. We have carefully considered the above submissions. All the submissions revolve around pure and simple questions of fact, which the petitioner is entitled to agitate before the Debts Recovery Tribunal. This is not a case where the petitioner can have the luxury of bypassing the alternative remedy. Therefore, leaving it open to the petitioner to approach the Tribunal, this writ petition is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

13th November, 2018.
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AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.40716 of 2018
(per VRS, J.)



13th November, 2018.
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