

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

+ Writ Petition No.43835 of 2018

% Date: 03-12-2018

Mohammed Riaz S/o Afzala, Occ: Private Employee,
R/o H.No.7-1-125, Bairamalguda, Karmanghat,
Saroor Nagar, Ranga Reddy; and also
D.No.03-02-55 (Old), D.No.15-06-55 (New), Plot No.101,
Indra Nagar, Khammam Haveli, Khammam

... Petitioner

Vs.

\$ Karnataka Bank Ltd., L.B. Nagar Branch,
Hyderabad, Rep. by its Authorised Officer

... Respondent

! Counsel for Petitioner: Mr. T.Vijaya Kumar

Counsel for Respondent: ---

< Gist:

> Head Note:

? Cases referred:
Nil.



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

Writ Petition No.43835 of 2018

Order: (per V.Ramasubramanian, J.)

Challenging an auction held on 18-9-2018, under the Securitisation Act, 2002, the petitioner has come up with the above writ petition.

2. Heard Mr. T.Vijaya Kumar, learned counsel for the petitioner.

3. As against the possession notice issued on 08-02-2018, the petitioner has already filed an appeal under Section 17 of the Securitisation Act in S.A.No.80 of 2018. The same is now pending before the Tribunal.

4. Subsequently, the petitioner has also moved an application for advancing the hearing of the appeal as well as for amendment of the pleadings and the prayer, so as to include a challenge to the first sale notice dated 04-4-2018.

5. But now by a subsequent sale notice, the Bank proposed to conduct an auction on 18-9-2018. Challenging the same, the petitioner has come up with the above writ petition.

6. The facts narrated above would show that the measures taken under Section 13(4) are under challenge before the Tribunal in an appeal. The first sale notice was sought to be challenged by way of amendment. Therefore, all subsequent sale notices should also be challenged by filing appropriate applications for amendment and the petitioner cannot come before this Court. Hence, 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.

03rd December, 2018.
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Writ Petition No.43835 of 2018
(per VRS, J.)



03rd December, 2018.
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