

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE P.KESHA RAO

+ Writ Petition No.45770 of 2018

% 17-12-2018

Parsi Kannaiah S/o Late Rajaiah,
Aged 53 years, Occ: Business,
R/o H.No.5-6-114, Vidyanagar, Kamareddy District
... Petitioner

Vs.

\$ 1. The Union of India, Rep. by its Secretary,
Ministry of Finance, New Delhi

2. M/s Karur Vysya Bank Ltd.,
Rep. by its Branch Manager, ARMB, 3rd Floor,
D.Nos.5-8-356 to 362, Chirag Ali Lane,
Abids, Hyderabad
... Respondents

! Counsel for the Petitioner: Mr. Pottigari Sridhar Reddy

Counsel for Respondent No.1: Mr. K.Lakshman,
Asst. Solicitor General of India

Counsel for Respondent No.2: Mr. P.Rajesh Babu,
Standing Counsel

< Gist:

> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE P.KESHAHA RAO

Writ Petition No.45770 of 2018

Order: (per V.Ramasubramanian, J.)

Challenging an auction notice, the borrower has come up with the above writ petition.

2. Heard Mr. Pottigari Sridhar Reddy, learned counsel for the petitioner. Mr. P.Rajesh Babu, learned counsel, takes notice for the 2nd respondent/Bank.

3. According to the learned counsel for the Bank, this is the 5th time that the Bank is making an attempt to put the property to sale. Earlier four attempts were foiled by the petitioner by approaching the Tribunal under Section 17 of the Securitisation Act, 2002. The first auction was challenged in S.A.No.583 of 2016. Though conditional order was not complied with, the auction failed. The next auction was challenged in S.A.Nos.122 and 123 of 2018. This time also the attempt of the Bank was foiled.

4. The third time when an attempt was made, an appeal was filed in S.A.No.162 of 2018 and the auction could not go on. When a fifth auction notice is issued, the petitioner has chosen to try his luck before this Court by way of the above writ petition.

5. What is interesting to see from the Affidavit of the writ petitioner is that the pendency of four appeals under Section 17 of the Securitisation Act, 2002, are not even mentioned in the

Affidavit in support of the writ petition. Therefore, the petitioner, though not his counsel may be guilty of suppression of material particulars. Hence, the writ petition is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

P.KESHA RAO, J.

17th December, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE P.KESHAVA RAO

Writ Petition No.45770 of 2018
(per VRS, J.)



17th December, 2018.
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