

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HONOURABLE MS. JUSTICE J. UMA DEVI

+ W.P.NO.46504 of 2018

% Date: 21-12-2018

Between:

Smt. Maddim Setti Sai Lakshmi
Maddim Setti Seethayya,
7-8-1, F-301, Velumuri Vari Street
Ramaraopeta, Gandhinagar,
Kakinada, East Godavari District.

.... Petitioner

And

1. The Syndicate Bank, Rajahmundry Main Branch, Door No.36-7-14, Konduri Square Innispeta, Rajahmundry, East Godavari District, rep. by its Authorized Officer.
2. The Authorized Officer, Syndicate Bank, Rajahmundry Main Branch, Door No.36-7-14, Konduri Square Innispeta, Rajahmundry, East Godavari District.
3. M/s. Margadarsi Chit Fund Pvt. Ltd., Temple Street, Kakinada, rep. by its Branch Manager.

... Respondent

! Counsel for the Petitioner : Mr. B. Chandrasekhar

^ Counsel for Respondents : Mr. A. Krishnam Raju

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> HEAD NOTE:

? Cases referred

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HONOURABLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No.46504 of 2018

ORDER: (Per VRS,J.)

Challenging an auction sale notice dated 14.11.2018 issued under SARFAESI Act, 2002 the petitioner has come up with the above writ petition.

2. Heard Mr. B. Chandrasekhar, learned counsel for the petitioner. Mr. A. Krishnam Raju, learned Standing Counsel for the Bank takes notice for respondents 1 and 2.

3. The auction sale notice, challenged in this writ petition, is dated 14.11.2018. The date fixed for the auction was 05.12.2018. The petitioner filed the writ petition on 20.12.2018. It has come up for orders as to admission today, viz., 21.12.2018.

4. Today, Mr. A. Krishnam Raju, learned Standing Counsel for the Bank submitted that on 05.12.2018 the auction was held, there were several bidders and the sale in favour of the highest bidder was confirmed. According to the learned counsel for the Bank, the entire sale consideration was also paid by the highest bidder and a sale certificate was also issued on 20.12.2018. Therefore, it is clear that the mere challenge to the sale notice cannot take the petitioner any where. The petitioner has now to challenge even the sale certificate.

5. Then the question is whether we should direct the petitioner to go to the Debts Recovery Tribunal or to entertain the writ petition here. This Court had already shown one indulgence in favour of the petitioner and entertained a writ petition in W.P.No.30784 of 2016 and stalled the auction sale proposed in 2016 on certain conditions. The petitioner failed

to comply with the conditions resulting in dismissal of the first writ petition.

6. Since the petitioner has failed to avail the opportunity granted by this Court in the first writ petition, it is better for him to try his luck before the Debts Recovery Tribunal. Hence leaving it open to the petitioner to go before the Debts Recovery Tribunal, this writ petition is dismissed. There will be no order as to costs.

7. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

V. RAMASUBRAMANIAN, J.

J. UMA DEVI, J.

21st December, 2018
Js.



HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HONOURABLE MS. JUSTICE J. UMA DEVI

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