

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION No. 1385 OF 2019

ORDER: (*per V. Ramasubramanian, J*)

The petitioners have come up with the above Writ Petition challenging the demand notice under Section 13 (2), possession notice under Section 13 (4) and the appointment of Advocate-commissioner by the Chief Metropolitan Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Heard Mr. Vedula Venkata Ramana, learned Senior Counsel appearing for the petitioners. Smt. T.Vidya Rani, learned Standing Counsel takes notice for the bank.

3. It appears that the petitioners have already filed an appeal under Section 17 of the Act before the Debts Recovery Tribunal challenging the measures taken under Securitisation Act, 2002. The appeal was dismissed for non-prosecution and an application for restoration is now pending. The application in M.A.No.83 of 2018 is posted for hearing on 04.02.2019.

4. Unfortunately the said fact is also not disclosed in the affidavit filed in support of the writ petition.

5. Therefore, the appropriate course of action open to the petitioners is to prosecute the appeal and not come up with the above

writ petition. Hence, leaving all the arguments to be raised there, this writ petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending in the Writ Petition stand dismissed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

P. KESHAHA RAO, J

January 28, 2019
gkv/Mgr