

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2741 of 2019

ORDER:

Heard.

2. Petitioner claims that himself and his sisters by name P.Rajini and P.Nagarani are the owners and possessors of house bearing No.7-190/1/1/part admeasuring 80 Sq. Yards situated at Ibrahimpatnam Village and Mandal of Ranga Reddy District, having acquired the same by way of registered Gift Settlement Deed bearing document No.5229 of 2015 dated 29.05.2015 executed by their father Sri P.Kotappa. According to the petitioner, his brother P.Praveen and mother Smt.P.Sulochana obtained term loan from the respondent Bank by creating equitable mortgage over house property bearing No.7-126 corresponding new No.8-190 admeasuring 140 sq. yards and due to default committed by them, the respondent Bank initiated proceedings under The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Petitioner now contends that the officials of the respondent Bank illegally put lock to his premises without verifying the house number. According to the petitioner, his house number is different from the house number which was mortgaged by his brother and mother. Therefore, locking his premises is illegal. Hence, he seeks to declare the action of the respondent Bank in not opening the lock put on his premises as illegal.

4. Copy of the order dated 20.11.2017 passed by the Debts Recovery Tribunal-2 at Hyderabad in R.P.No.442/2017 in

O.A.No.450/2012 is placed before this Court. As can be seen from the array of parties in the said O.A., Andhra Bank is the applicant whereas the petitioner and his brother, mother, father and two sisters are the respondents. By order dated 20.11.2017, the Debts Recovery Tribunal restrained the respondents therein from transferring or changing the property mentioned therein, which is the house property bearing No.7-126 (old) [7-190 (new)] admeasuring 140 sq. yards.

5. Counsel for the petitioner sought to contend that the house which was directed to be prohibited/restrained from alienation is different from the house claimed by the petitioner.

6. Having regard to the fact that O.A.No.450/2012 is still pending before the Debts Recovery Tribunal concerned, this Court is not inclined to entertain the Writ Petition. However, as the petitioner herein is the respondent therein, nothing prevented him from filing an application before the Debts Recovery Tribunal seeking clarification/modification of the order earlier passed and seeking appropriate directions, if what is stated by him is true.

7. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to work out his remedies available under law. Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

P.NAVEEN RAO, J

26th February, 2019.
sur