

**HONOURABLE SRI JUSTICE SANJAY KUMAR  
AND  
HONOURABLE SRI JUSTICE P. KESHA RAO**

**WRIT PETITION No.9940 of 2019**

**ORDER:** (per the Honourable Sri Justice Sanjay Kumar)

This writ petition was filed assailing the action of the Tirumala Cooperative Urban Bank Limited in not redelivering possession of the petitioner's residential flat bearing No.202 situated in the second floor of Maruthi Sadanand Enclave-I, at the premises bearing Municipal No.1-1-467/1, New Bakaram, Gandhinagar, Hyderabad.

It is an admitted fact that the petitioner filed Securitization Application No.471 of 2018 before the Debts Recovery Tribunal-II, Hyderabad, wherein she assailed the proceedings initiated by the bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ( for short, 'SARFAESI Act, 2002'), including her proposed dispossession from the flat by virtue of the Order dated 08.10.2018 passed by the learned Chief Metropolitan Magistrate, Nampally, Hyderabad in CrI.M.P.No.6024 of 2018, under Section 14 of the SARFAESI Act, 2002. While so, the petitioner filed I.A.Nos.1471, 1472 and 1473 of 2019 in the said securitization application. I.A.No.1471 of 2019 was filed by her to allow her to add pleadings and a prayer in the said securitization application by way of an amendment.

I.A.No.1472 of 2019 was filed by her to advance the hearing of the securitization application. I.A.No.1473 of 2019 was filed by her to stay all further proceedings pursuant to the e-auction sale notice dated 26.02.2019 issued by the bank proposing to hold the auction sale of the application schedule property on 27.03.2019.

By order dated 26.03.2019 passed in I.A.No.1473 of 2019, the Tribunal permitted the bank to go ahead with the auction sale on 27.03.2019 but directed it not to register the sale certificate, subject to the petitioner depositing Rs.5 lakhs in two installments – the first installment of Rs.2 lakhs within ten days from the date of the order and the second installment of Rs.3 lakhs within three weeks thereafter.

Significantly, the petitioner did not file any application in the securitization application for redelivery of the flat, which was the application schedule property in S.A.No.471 of 2018. Without seeking such relief before the Tribunal in the securitization application already filed by her, it is not open to the petitioner to come before this Court ventilating this new grievance.

Having failed to take steps in the pending securitization application to seek such relief by way of an interim order or by way of final relief, the petitioner cannot maintain this writ petition.

The writ petition is accordingly dismissed on this short ground.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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**SANJAY KUMAR, J**

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**P. KESHAVA RAO, J**

Date: 13.08.2019.  
ES/CCM

