

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

WRIT PETITION No.13578 of 2019

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

The petitioner claims to be a tenant in the premises of the secured asset belonging to respondent No.2 under the unregistered rental agreement dated 01.12.2005. According to the proprietor of the petitioner, it was dispossessed by the State Bank of India, Kachiguda, Hyderabad, the secured creditor, pursuant to the order dated 29.5.2019 secured by it from the learned Chief Metropolitan Magistrate, Nampally, Hyderabad, in CrI.M.P.No.47 of 2019 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'). Aggrieved thereby, the petitioner is before this Court.

The petitioner is provided an effective alternative remedy by virtue of the insertion of Section 17 (4A) in the SARFAESI Act with effect from 01.9.2016, whereby a person claiming tenancy or leasehold rights in a secured asset can also approach the jurisdictional Debts Recovery Tribunal by way of a Securitization Application under Section 17 of the SARFAESI Act.

We are therefore not inclined to entertain this Writ Petition, as a number of disputed facts would arise for resolution in the context of the petitioner's own pleadings.

The Writ Petition is accordingly dismissed on this short ground leaving it open to the petitioner to invoke the remedy provided to it

in accordance with law before the jurisdictional Debts Recovery Tribunal.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE P.KESHAVA RAO

04th July, 2019
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