

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

WRIT PETITION No.13893 of 2019

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

The prayer of the petitioner in this case reads as under:-

“... to issue a order a Writ Order or Direction more in the Nature of Writ of Mandamus declaring the Tender-cum-Auction for Sale of Secured Asset notice dated 27.06.2019 issued by the Respondent Bank seeking to conduct auction on 18.07.2019 in respect of Land to an extent of 250 square yards in Plot No.338 part in Sy.Nos.33, 34 (p), 35(p) and 36, 37, 38 and 39 situated at Ravindra Coop Housing Society Limited, GuttalaBegumpet Village, Serlingampally Mandal, Ranga Reddy District, belonging to the Petitioner as being arbitrary and contrary to Articles 14 and 300A of Constitution of India and consequently to set aside the same.”

We find from the record that the earlier sale notice issued by the respondent ICICI Bank was subjected to challenge before the Debts Recovery Tribunal-II, Hyderabad, by way of Securitization Application No.691 of 2017.

It appears that the sale proposed to be held earlier came to naught, be it for one reason or the other. The present challenge is now sought to be levelled against the fresh sale notice dated 27.6.2019 issued by the respondent Bank, whereby it proposes to conduct an auction sale on 18.7.2019.

As the petitioner has already approached the jurisdictional Debts Recovery Tribunal by way of S.A.No.691 of 2017 in relation to the earlier sale notice, we find no reason as to why he should not adopt the same course if he is aggrieved by the subsequent sale notice. It is not open to the petitioner to now circumvent the effective alternative remedy provided to him under the statute on

the ground that he already did so once in relation to an earlier cause of action.

The Writ Petition is accordingly dismissed on this short ground leaving it open to the petitioner to invoke the statutory remedy available to him in accordance with law if he is aggrieved by the auction sale notice dated 27.6.2019 issued by the respondent Bank.

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

JUSTICE SANJAY KUMAR

JUSTICE P.KESHAVA RAO

09th July, 2019
Note:
Issue CC tomorrow.
B/o
dr

