

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO.21307 OF 2019

ORDER: (per SK,J)

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

‘For the reasons stated in the accompanying affidavit, it is prayed that the Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS to declare the action of the 2nd Respondent-Bank issuing paper publication dt.23.08.2019 published in MANA TELANGANA DAILY NEWS PAPER OF Hyderabad edition under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, pending S.A.No.258 of 2018 before the Hon’ble Debts Recovery Tribunal-II, Hyderabad, challenging the Possession Notice dt.15.06.2018 issued by the 2nd Respondent-Bank under Rule 8(1) of the Security Interest (Enforcement) rules, 2002, which is illegal, arbitrary and violative of Principles of Natural Justice and consequently direct the 2nd Respondent-Bank not to take any coercive steps against the petitioner’s portion of the immovable property pursuant to the Sale Notice dt.23.08.2019, and consequently direct the 2nd Respondent-bank to set-aside the Sale Notice dated 23-08-2019 published to conduct sale of the schedule property and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

2. We find from the record pertaining to S.A.No.258 of 2018 pending before the Debts Recovery Tribunal-II, Hyderabad, that the petitioner neither amended his prayer nor filed any I.A. therein in relation to the sale notice dated 23.08.2019 issued by the Indian Overseas Bank proposing to put the secured asset to sale on 26.09.2019.

3. When the matter is pending consideration before the Tribunal, it is not open to the petitioner to come before this Court independently assailing the said sale notice dated 23.08.2019.

4. The writ petition is accordingly dismissed on this short ground leaving it open to the petitioner to take appropriate steps in accordance with law as advised. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

K.LAKSHMAN,J

Date:25.09.2019

GJ

