

HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26199 of 2018

ORDER: (*per V. Ramasubramanian, J*)

1) Challenging a possession notice issued by the Andhra Pradesh State Financial Corporation under Section 13 (4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Securitization Act"), the Telangana State Civil Supplies Corporation has come up with the above writ petition.

2) Heard Mr.A.Jagan, learned counsel for the petitioner and Mr.R.V.Nagabushan Rao, learned Standing Counsel for the first respondent-Corporation.

3) The petitioner came up with the above writ petition contending that they have a priority of charge over the properties of the second respondent-Rice Mill and that they have also got a Distraint Order issued under Section 8 of the Andhra Pradesh Revenue Recovery Act and that therefore the first respondent-Corporation was not entitled to invoke the provisions of the Securitization Act.

4) Since the above question has become a vexed question and is coming up repeatedly we ordered the issue of notice to the respondents. After notice, it was pointed out by Mr.Nagabushan

Rao, learned counsel for the first respondent-Corporation that the property covered by the possession notice under Section 13 (4) of the Securitization Act is totally different from the property that is the subject matter of the Distraint Order issued under the Revenue Recovery Act. The description of property contained in the possession notice issued by the Andhra Pradesh State Financial Corporation reads as follows:

“Freehold interest in commercial land and buildings admeasuring (200 square yards + 100 square yards) total admeasuring 300 square yards, covered by Sy.No.688/ 2, Ward No.4, Block No.11 (Old Ward No.4, Block No.10) belonging to (1) Sri Gattu Swarajyam S/o. Late Mallaiah and (2) Smt. Gattu Soujanya W/o. Sravan, situated at National Function Hall to Naveen ITI Road, Chaitanyapuri Colony, Nalgonda town and district and commonly bounded by:
 North: Devarakonda PWD road
 South: Property of Sri Madishetty Eshwaraiah
 East: Property of Sri G.Bharataiah
 West : Others property in Sy.No.688/ 2”

5) The description of the property contained in the Distraint Order issued by the Tahsildar under the Revenue Recovery Act reads as follows:

“Details of property brought to sale: M/ s. Ram Laxman Paraboiled Rice Mill Private Limited, Nalgonda.”

6) Since the first respondent is attempting to take possession of the property which is not the subject matter of the Distraint Order, the writ petition is meritless and hence it is dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

March 5, 2019
gkv



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No. 26199 of 2018

Date: 05.03.2019