

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

W.P.No.28025 of 2019

ORDER :

1. Heard counsel for the petitioner.
2. This Writ Petition is filed challenging the Docket Order dt.24.10.2019 of the Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, returning the application filed under Section 14 of the SARFAESI Act, 2002 (for short 'the Act') on the pretext that the petitioner did not comply with certain objections pointed out in the Endorsement dt.29.08.2019, and that the property in the sale deed schedule is not tallying with the petition schedule.
3. Counsel for the petitioner contends that the petitioner had furnished all the material sought in the Endorsement dt.29.08.2019 of the said Court. He also points out that in the said application filed under Section 14 of the Act before the Chief Metropolitan Magistrate, petitioner seeks attachment of the movable assets, but the said Magistrate had not entertained the said application on the ground that the schedule in the sale deed and in the said application are not tallying. He further contends that in the sale deed schedule, the movable assets will not be reflected since the sale deed would relate to only immovable property.
4. We agree with the contention of the counsel for petitioner.

5. The property sought to be taken possession by the petitioner in the application filed under Section 14 of the Act before the Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar is movable property and it could not be reflected in the schedule to the sale deed but that cannot be a ground for the Court below to refuse to entertain the application under Section 14 of the Act.

6. Therefore, this Writ Petition is allowed; the Docket Order dt.24.10.2019 of the Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, is set aside; and the said Magistrate is directed to number the said application filed under Section 14 of the Act, issue notice to the respondents and decide the same in accordance with law. No order as to costs.

7. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

T.AMARNATH GOUD, J

19th February, 2020.

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