

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**&**

**HON'BLE JUSTICE G. SRI DEVI**

WP No.23618 of 2021

ORDER:: (per Hon'ble Sri Justice A. Rajasheker Reddy)

Heard the learned counsel for the petitioners and the learned counsel for the respondent-bank.

Admittedly, the petitioners have efficacious alternative remedy of approaching the Tribunal for appropriate reliefs. In the circumstances, the petitioners are relegated to avail alternative remedy by filing an application under Section 17 of the SARFAESI Act, 2002, before the Debt Recovery Tribunal, Hyderabad, to redress their grievances, if so advised.

In ***Whirlpool Corporation v Registrar of Trademarks, Mumbai***, (1998) 8 SCC 1 it was observed thus:-

*“Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has*

*been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged.”*

There are no extraordinary much less compelling circumstances to entertain this writ petition by-passing the appropriate Forum constituted for that purpose as the case does not fall in any of the exceptions stated in the above decision.

The writ petition is disposed of accordingly with the above observations. Miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

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**A.RAJASHEKER REDDY,J**

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**G.SRI DEVI,J**

Dated: 27-09-2021  
NRG

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