

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

WEDNESDAY, THE ELEVENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION NO: 13515 OF 2024**

**Between:**

1. Yedire Ravinder, S/o Y. Kistaiah, Aged. 33 Years, Occ. Private Service,
2. Yedire Anitha, W/o Y. Ravinder, Aged. 30 Years, Occ. Home Maker,  
Both are residents of 17-95, Munnuruwada Village, Kosgi Mandal, Narayanpet District.

**...PETITIONERS**

**AND**

1. G. Mohan Kumar, Advocate Commissioner, Chief Judicial Magistrate Court, Narayanpet.
2. M/s Aptus Value Housing Finance India Ltd, Office at No. 7-5-114/14, Venkateswara Colony, Laxminagar Colony, Mahabubnagar. Rep. by Culster Manager and Authorized Officer,
3. The Reserve Bank of India, New Delhi, Represented by its Standing Counsel, High Court for the State of Telangana at Hyderabad

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned 'Vacation Notice' issued by the 1st Respondent dated 25.04.2024, directed the Petitioners to vacate the house premises on or after 18.05.2024 on the guise of CrI.M.P. No. 104 of 2023 dated 06.03.2024 by the Hon'ble Chief Judicial Magistrate-cum- Asst. Sessions Judge at Narayan pet passed the order without giving the opportunity of hearing the petitioners as illegal, arbitrary and violation of Principles of Natural Justice guaranteed under Articles 14, 21 and 300A of Constitution of India and subsequently direct the 1st Respondent not to take any coercive steps against the Petitioners House. bearing No. 14-99, Tunkigeri Colony, Kosgi town, Narayan pet District

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in impugned Vacation Notice issued by the 1st Respondent against the Petitioner's House bearing No. 14-99, Tunkigeri Colony, Kosgi town, Narayan pet District pending disposal of the above writ petition

**Counsel for the Petitioners: SRI. K RAMACHANDRA**

**Counsel for the Respondent NO.1: ---**

**Counsel for the Respondent No.2: SRI T. SRINIVAS FOR SRI BADRA  
NANAVATH**

**Counsel for the Respondent NO.3: SRI B. NALIN KUMAR SC FOR RBI**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT PETITION No.13515 of 2024**

**ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. K.Ramachandra, learned counsel for the petitioners.

Mr. T.Srinivas, learned counsel representing Mr. Badra Nanavath, learned counsel for the respondent No.2.

2. In this writ petition, the petitioners have challenged the validity of the notice, dated 25.04.2024, issued in the course of proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as, 'the SARFAESI Act').

3. Admittedly, against the aforesaid proceedings, a statutory remedy lies under Section 17 of the SARFAESI Act.

4. The Supreme Court in **United Bank of India v. Satyawati Tondon**<sup>1</sup> has deprecated the practice of the High Courts in entertaining the writ petitions despite availability of an alternative remedy. The aforesaid view has also been reiterated by the Supreme Court in **Varimadugu Obi Reddy v. B.Sreenivasulu**<sup>2</sup>. The relevant extract of para 36 in **Varimadugu Obi Reddy** (supra) reads as under:

“36. In the instant case, although the respondent borrowers initially approached the Debts Recovery Tribunal by filing an application under Section 17 of the SARFAESI Act, 2002, but the order of the Tribunal indeed was appealable under Section 18 of the Act subject to the compliance of condition of pre-deposit and without exhausting the statutory remedy of appeal, the respondent borrowers approached the High Court by filing the writ application under Article 226 of the Constitution. We deprecate such practice of entertaining

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<sup>1</sup> (2010) 8 SCC 110

<sup>2</sup> (2023) 2 SCC 168

the writ application by the High Court in exercise of jurisdiction under Article 226 of the Constitution without exhausting the alternative statutory remedy available under the law. This circuitous route appears to have been adopted to avoid the condition of pre-deposit contemplated under 2<sup>nd</sup> proviso to Section 18 of the 2002 Act.”

5. The view taken in **Satyawati Tondon** (supra) has been reaffirmed by a three Judge Bench of the Supreme Court in **PHR Invent Educational Society v. UCO Bank and others**<sup>3</sup>.

6. In view of aforesaid enunciation of law by the Supreme Court, we are not inclined to entertain the writ petition. However, liberty is reserved to the petitioners to avail the statutory remedy before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act

7. With the aforesaid liberty, the Writ Petition is disposed of.

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<sup>3</sup> 2024 SCC OnLine SC 528

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

**SD/- K. VENKAIAH  
ASSISTANT REGISTRAR**

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**SECTION OFFICER**

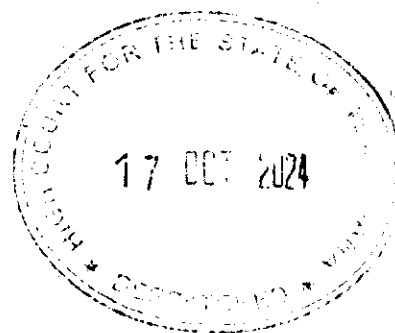
To,

1. The Reserve Bank of India, New Delhi, Standing Counsel, High Court for the State of Telangana at Hyderabad
2. One CC to SRI. K RAMACHANDRA Advocate [OPUC]
3. One CC to SRI T. SRINIVAS FOR SRI BADRA NANAVATH Advocate [OPUC]
4. One CC to SRI B. NALIN KUMAR SC FOR RBI [OPUC]
5. Two CD Copies

KKS  
GJP *K*

**HIGH COURT**

**DATED:11/09/2024**



**ORDER**

**WP.No.13515 of 2024**

**DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS**

*7 copies  
KJ  
3/10/24*