

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY 2019

BEFORE

THE HON'BLE MR. JUSTICE ALOK ARADHE

WRIT PETITION Nos.47346-47347 OF 2016 (GM-DRT)

BETWEEN:

1. Sri. T. K. Raghavendra,
S/o T. R. Krishnamurthy,
Aged about 35 years,
2. Smt. G. N. Ramya,
W/o T. K. Raghavendra,

Petitioner Nos.1 and 2
Are residing at
No.86, 3rd Stage, H.A.L.,
Bengaluru-560 116.

... Petitioners

(By Sri. M. R. Vijaya Kumar, Advocate)

AND:

1. Chief Manager,
State Bank of Travancore (SARC)
Tippu Sultan Road,
Chamrajpet,
Bengaluru-560 018.
2. Authorized Officer
State Bank of Travancore,
Tippu Sultan Road,
Chamrajpet,
Bengaluru-560 018.

3. Smt. Sulochana Ramesh,
W/o P. Ramesh,
Aged about 55 years,
Residing at No.3797,
Sai Chitra, 7th Main,
HAL 2nd Stage,
Indiranagar,
Bengaluru-560 038.

... Respondents

(By Sri. M. S. Raghavendra Prasad, Advocate
for C/R1 and R2 (absent))

These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India, praying to quash the order dated 13.06.2016 passed by the Debt Recovery Tribunal, Bengaluru in I.R.(M.A) 1203/2016 vide Annexure-E and entire proceedings culminating into the impugned sale dated 25.02.2016 at Annexure-G in respect of the property bearing No.86, PID No.74-8-86, measuring East to West 12.19 Mtrs and North to South 18.28 Mtrs totally measuring 222.96 Sq. Mtrs situated at HAL 3rd Stage Bengaluru, which is bounded East by: Property No.85, West by Property No.87, North by – BDA Land, South by – Road, and etc.

These Petitions coming on for *Preliminary Hearing*, this day, the Court made the following:-

ORDER

Sri. M. R. Vijaya Kumar, learned counsel for the petitioners.

In these petitions, petitioners *inter alia* have assailed the validity of the order dated 13.06.2016 passed by the Debts Recovery Tribunal, Karnataka.

2. When these matters were taken up today, learned counsel for the petitioners submitted that during the pendency of these writ petitions, in exercise of powers under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the Act' for short), the property has been illegally sold.

3. In view of the decision of this Court in the order dated 30.01.2019 passed in W.P.No.6594/2018 and for the reasons assigned therein, the remedy available for the petitioners is to file an application under Section 17 of the Act.

4. Accordingly, petitions are ***disposed of*** with liberty to the petitioners that in case they file an

application before the Debts Recovery Tribunal within a period of three weeks from the date of receipt of certified copy of the order passed today, they shall be entitled to the benefit of principles contained under Section 14 of the Limitation Act, 1963.

**Sd/-
JUDGE**

Mds/-