

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION NO.37774 OF 2015

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

Aggrieved by the warrant issued to the Advocate Commissioner for taking possession of the subject property, pursuant to the orders of the Chief Metropolitan Magistrate, Cyberabad in CrI.M.P.No.701 of 2015 dated 21.09.2015, the petitioner has invoked the jurisdiction of this Court.

While several contentions are urged with regard to the action of the first respondent, it is wholly unnecessary for us to examine these contentions as an undertaking affidavit is filed by the manager of the petitioner company undertaking to vacate the premises by 16.01.2016. Sri B.Chandrasen Reddy, learned counsel for the petitioner, would submit that the petitioner's grievance, with regards the adjustment of interest free security deposit of Rs.9,31,152/-, is a dispute between the petitioner and the second respondent with which neither the first respondent nor the third respondent are concerned; and the petitioner would unconditionally and voluntarily vacate the said premises by 16.01.2016, and handover possession thereof to the first or the third respondent.

Smt. V.Dyumani, learned counsel for the first respondent-Bank, would seek permission to proceed with the auction notice, and for a direction to the petitioner not to prevent inspection of the said premises by the first respondent or its representative. Sri B.Chandrasen Reddy, learned counsel for the petitioner, readily agrees to the request made on behalf of the first respondent by Smt.V.Dyumani.

Ends of justice would be met if the first and the third respondents are directed not to take action for eviction of the petitioner from the subject premises, pursuant to the order passed by the Chief Metropolitan Magistrate, Cyberabad, till 16.01.2016. It is open to the first respondent to proceed with the sale of the property, and to take steps to evict the petitioner in case they do not voluntarily vacate the premises by 16.01.2016.

The Writ Petition stands disposed of, accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(S.RAVI KUMAR, J)

7th December 2015

RRB