

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

WRIT PETITION No.26949 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed seeking to declare the order, dated 19.08.2015, passed in S.A.No.309 of 2014 by the Debts Recovery Tribunal, Hyderabad, as illegal and arbitrary.

Petitioner has availed loan facility from respondent No.2 – Bank. As he has committed default in repaying the same, the Bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and issued Possession Notice. Aggrieved by the same, petitioner filed the aforesaid S.A. before the Debts Recovery Tribunal alleging that the property notified for sale is an agricultural land and as such, the provisions of the Act could not be applied in view of the provision under Section 31 (i) of the Act. The Tribunal, by order, dated 11.04.2014, ordered to maintain *status quo*. It is stated that such order is extended from time to time. It is also stated that when the matter was listed on 19.08.2015, though a representation was made for adjournment of the matter, the Tribunal by impugned order, dated 19.08.2015, while adjourning the case to 12.10.2015, has vacated the earlier order of *status quo*.

Though various contentions are advanced assailing the validity of the impugned order, having regard to the order we propose to pass, we do not deal with the same in detail. As much as it is not in dispute that the Tribunal has ordered to maintain *status quo* on 11.04.2014 and the same continued till 19.08.2015, and as it is also evident from the impugned order that a request was made for adjourning the matter and while adjourning the matter to 12.10.2015, the earlier interim order was vacated, we deem it appropriate to dispose of the Writ Petition with a direction to maintain *status quo* as ordered by the Tribunal on 11.04.2014 till disposal of the S.A. on 12.10.2015 or any other subsequent date. Further, the Tribunal shall decide the S.A., in any event, within two (2) months from today.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J
August 26, 2015
MD