

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

WRIT PETITION No.29671 of 2015

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

This writ petition is filed by the petitioner seeking the following relief:

“.....Writ of Mandamus declaring the action of the 2nd respondent in issuing Demand Notice dated 02.12.2010, Possession Notice dated 24.03.2011 and E-Auction-cum-Sale Notice dated 10.08.2015 by invoking the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) and the Rules made thereunder in respect of the property bearing Flat No.303, Third Floor, Srinivasa Classic Towers, with a plinth area of 1696 square feet (including common area and car parking) together with an undivided share of land admeasuring 71.16 square yards out of 1007.57 square yards in the premises bearing House No.10-3-85/13 on Plot Nos.72/6 & 72/7 situated at Teachers Colony, East Marredpally, Secunderabad, as illegal, arbitrary and in violative of provisions of the SARFAESI Act, 2002 and violative of the principles of natural justice and set aside the said Notices

2. This Court, while issuing notice before admission, by order dated 11.09.2015, granted interim stay on condition of the petitioner depositing an amount of Rs.55,00,000/- (Rupees fifty five lakhs only) within a period of four weeks from the date of the said order. Subsequently, by order dated 09.10.2015 in WPMP.No.42691 of 2015, time was extended till 27.10.2015 to comply with the order dated 11.09.2015. In spite of the same, the petitioner has not complied with the said conditional order.

3. When the matter is called for hearing, it is submitted

by the learned counsel for petitioner that the petitioner has not complied with the said conditional order and requested to dispose of the writ petition directing the Debts Recovery Tribunal, Hyderabad, to consider the applications filed by the petitioner seeking (i) to set aside the default order dated 26.11.2014 in S.A.No.90 of 2011; and (ii) to condone the delay in filing application to set aside the default order dated 26.11.2014.

4. In view of the said submission, since the petitioner has not complied with the conditional order dated 11.09.2015, we deem it appropriate to dispose of the writ petition directing the Debts Recovery Tribunal, Hyderabad, to dispose of the applications filed by the petitioner seeking (i) to set aside the default order dated 26.11.2014 in S.A.No.90 of 2011; and (ii) to condone the delay in filing application to set aside the default order dated 26.11.2014, as expeditiously as possible.

5. Subject to the above direction, this writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

02.11.2015.
Msr

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