

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

WRIT PETITION No.27580 OF 2015

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

Heard Sri T. Sridhar, learned counsel for the petitioner and

Sri B.S.Prasad, learned Standing Counsel for respondent No.1 – Bank.

This Writ Petition is filed challenging Proc.No.C2/317/2015, dated 28.02.2015, issued by the Collector and District Magistrate, Karimnagar, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act').

Petitioner has availed loan facility from respondent No.1 – Bank by creating equitable mortgage of the properties in question but has defaulted in repaying the same. Therefore, respondent No.1 – Bank has initiated proceedings under the Act and has issued Notices under sections 13 (2) and 13 (4) of the Act. In spite of the same, as the amount due is not paid, respondent No.1 – Bank has approached the Collector and District Magistrate for taking possession of the secured assets. The Collector and District Magistrate, by impugned order, dated 28.02.2015, has authorised the Tahsildar, Sircilla, to take

over possession of the secured assets i.e., H.Nos.12-5-122, 12-5-123 and 12-5-124 situated at Gopalnagar Area, Sircilla Town and Mandal, Karimnagar District. Aggrieved by the Possession Notice, petitioner has filed S.A.No.104 of 2015 before the Debts Recovery Tribunal, Hyderabad. In the said S.A., petitioner has filed I.A.No.657 of 2015 seeking stay of all further proceedings pursuant to the Possession Notice. The Tribunal, by order, dated 18.03.2015, has granted stay on condition of petitioner depositing Rs.15,00,000/-, out of which, a sum of Rs.7,50,000/- shall be deposited within four weeks from the date of the order and the balance sum of Rs.7,50,000/- shall be deposited within four weeks thereafter. Though the petitioner has deposited the first installment amount within time, there was delay of 53 days in depositing the second installment amount. On the ground that the petitioner has not complied with the conditional order, respondent No.1 – Bank is proceeding to take possession of the secured assets. Hence, the present Writ Petition is filed.

On instructions, it is submitted by the learned Standing Counsel for respondent No.1 – Bank that though the petitioner has deposited the first installment amount within time, the second installment amount was deposited with delay of 53 days.

As the petitioner has complied with the conditional

order, dated 18.03.2015, by depositing the amount though with some delay, in view of the reasons stated in the affidavit filed in support of the petition, we deem it appropriate to dispose of the Writ Petition by directing the Debts Recovery Tribunal, Hyderabad, to dispose of S.A.No.104 of 2015 as expeditiously as possible, preferably within a period of three (3) months from today. Further, we direct that the respondents shall not take any coercive steps to take possession of the secured assets till disposal of the S.A..

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

September 01, 2015

MD