

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE S. RAVI KUMAR**

WRIT PETITION No.40827 OF 2015

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

This Writ Petition is filed seeking to declare the action of respondent No.1 in entertaining the objections raised by respondent No.4 and passing order, dated 17.11.2014, in Rc.D5/1411/2014, as illegal and arbitrary.

Petitioner is an Asset Reconstruction Company covered by the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act'). At first instance, on the application filed by the petitioner under Section 14 of the Act, the Collector and District Magistrate, Prakasam District, Ongole, has passed order, dated 21.08.2014, in Rc.No.D5/1411/2014 authorizing the Tahsildar, Singarayakonda, to assist the petitioner for taking possession of the secured asset. It appears that after passing of the said order, respondent No.4 – borrower made further representation based upon which, the Collector and District Magistrate passed order, dated 17.11.2014, keeping the order, dated 21.08.2014, in abeyance. Objecting the order passed on 17.11.2014 and to vacate such order, petitioner has filed counter affidavit.

In this Writ Petition, it is contended by the learned counsel for petitioner that once final orders are passed under Section 14 of the Act, the Collector and District Magistrate has no authority or jurisdiction to entertain any application filed by the borrower and to pass any further orders.

As much as after passing of order, dated 17.11.2014, petitioner has already filed objections by way of counter affidavit before the Collector and District Magistrate, it is not necessary to go into the validity of the order, dated 17.11.2014, by this Court at this stage.

In view of the pendency of proceedings before the Collector and District Magistrate, Prakasam District, Ongole, we deem it appropriate to dispose of the Writ Petition by directing the Collector and District Magistrate to consider the objections raised by the petitioner by way of counter to the order, dated 17.11.2014, and to pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and respondent No.4.

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

December 16, 2015

Note: Issue C.C. by 21.12.2015.

B/o.MD

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
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