

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

* * * *

WRIT PETITION No.20217 of 2015

Between: —

Sri Ronda Raghu Ram Reddy

.. Petitioner

And

LIC Housing Finance Limited
Rep. by its Authorized Officer
and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 03-08-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

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

WRIT PETITION No.20217 of 2015

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

This writ petition is filed seeking direction by way of Mandamus to set aside the order passed by the Chief Metropolitan Magistrate, Cyberabad, in CrI.M.P.No.156 of 2015, appointing Advocate Commissioner for taking physical possession of petitioner's property for handing over the same to the 1st respondent herein, and direct the 2nd respondent- Debts Recovery Tribunal, Hyderabad (for short 'the Tribunal'), to dispose of I.A.No.2370 of 2015 in S.A.No.775 of 2014 filed by the petitioner, on merits.

When the 1st respondent initiated proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and issued notice under Section 13 (4) of the Act, the petitioner has challenged the same by filing S.A.No.775 of 2014 before the 2nd respondent. By order dated 20.11.2014 in I.A.No.4606 of 2014, the Tribunal granted interim stay of all

further proceedings pursuant to the possession notice dated 10.10.2014 on condition of the petitioner depositing Rs.9.00 lakhs within eight weeks, in two instalments of Rs.4.50 lakhs each.

In this writ petition, it is the grievance of the petitioner that he has deposited the entire amount of Rs.9.00 lakhs, but as there was delay of five days in paying one instalment, he has filed an application in I.A.No.2370 of 2015 before the 2nd respondent for condoning such delay and the same is pending.

It is submitted that as there is no regular Presiding Officer for the 2nd respondent, I.A.No.2370 of 2015 is not taken up. On the other hand, on the ground that the petitioner has not complied with the conditional order dated 20.11.2014, the 1st respondent is taking steps to dispossess the petitioner from the property, which is the subject matter of Crl.M.P.No.156 of 2015 on the file of the Chief Metropolitan Magistrate, Cyberabad.

Heard learned counsel for the petitioner and learned counsel for the 1st respondent.

In this case, it is not in dispute that by order dated 20.11.2014, the 2nd respondent Tribunal has granted stay on condition of petitioner depositing Rs.9.00 lakhs within eight weeks, in two instalments of Rs.4.50 lakhs each, and the petitioner has already deposited such amount, but as there

was delay of five days in paying one instalment, he has filed I.A.No.2370 of 2015. Since it is stated that the said I.A.No.2370 of 2015, seeking enlargement of time, is pending consideration, we deem it appropriate to dispose of the writ petition directing the 1st respondent not to take any steps pursuant to the orders passed in Crl.M.P.No.156 of 2015, till appropriate orders are passed in I.A.No.2370 of 2015 in S.A.No.775 of 2014 on the file of the 2nd respondent.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

03.08.2015

v v