

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

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF OCTOBER,
TWO THOUSAND AND FIFTEEN

:PRESENT:

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

WP No: 11846 of 2015

Between:

Divvela Raja Ganapathi Rao S/o. Venkata Hanumantha Rao
R/o. D.No. 9-7-14, Nadimpallivari Street, Railpet, Guntur.

..... PETITIONER

AND

- 1 Syndicate Bank, rep. by its Managing Director, Manipal, Karnataka.
- 2 Syndicate Bank, Brundavan Garden Branch, Guntur District rep. by its
Authorised Officer.
- 3 Jangalapalli Venkata Subba Mahalakshmi W/o.Nemalikanti Venkata
Narsimharai, Record Room Assit, Golusu Nancharamma and Kondalarao,
Municipal High School, Railpet, Guntur-1.
- 4 Nemalikanta Venkata Narasmiha Rao S/o.Ramalinga Murthy, R/o.
D.No.9-11-191, Opp: Sanakkayala Factory, Kothapet, Guntur District.
- 5 The Guntur Cooperative Urban Bank Ltd., Kothapet Branch, Guntur
Rep. by its Branch Manager, Old club Road, Guntur.
- 6 M/ s. Sri Rajya Lakshmi Enterprises, Cloth Bazar, Guntur, Rep. by its
Managing Partner, Pappula Venkata Narasimha Reddy, S/o. Ramakoti
Reddy, R/o. Cloth Bazaar, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue a Writ, Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent bank in invoking provisions under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI] against the petitioner's property House bearing No.9-7-14, Nadimpallivari Street, Railpet, Guntur as illegal, arbitrary and unconstitutional and consequently declare that the bank could not have invoked the provisions of SARFAESI Act, 2002 without establishing and proving the alleged mortgage as directed by this Hon'ble Court in A.S.No.737 of 2010 and direct the bank to withdraw all the proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI];

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and order of the High Court dated 01-05-2015, 08-06-2015, 25-06-2015, 09-07-2015, 23-07-2015, 13-08-2015, 27-08-2015, 14.09.2015 & 28-09-2015 made herein and upon hearing the arguments of Sri K.S. Murthy, Advocate for the Petitioner and Sri A.Krishnam Raju, learned Standing Counsel for Respondents 1 and 2 and of Sri Gurram Pedda Babu, Advocate for Respondent No.6, the Court made the following:

ORDER:

Interim order dated 01.05.2015, to continue till 13.10.2015.
Post on 12-10-2015

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1 One CC to Sri K.S. Murthy, Advocate (OPUC)
- 2 Two Spare Copies.

Tvr

HIGH COURT

RSRJ & ASNJ

DATE: 06-10-2015

NOTE: POST ON 12.10.2015

W.P.NO. 11846 OF 2015

EXTENSION OF INTERIM ORDER

Drafted: tvr

Dated: 08-10-2015

HIGH COURT

RSRJ & ASNJ

DATE: 06-10-2015

NOTE: POST ON 12.10.2015

W.P.NO. 11846 OF 2015

EXTENSION OF INTERIM ORDER