

(SHOW CAUSE NOTICE BEFORE ADMISSION)

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

(Special Original Jurisdiction)

FRIDAY , THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

WP .NO:6420 of 2015

Between:

- 1 M/s. Sri Jai Sreemannarayana Enterprises, Partnership Firm, having its office at D.No.32-369, Opp. K.K.Nursing Home, Shapur Nagar, Jeedimetla, Hyderabad - 55, Represented by its Managing Partner B.Vinay Kumar
- 2 Smt. Bommidala Hymavathi W/o Sri B.Vinay Kumar, R/o Plot No. 100, H.No. 4-32-275, Shapur Nagar, Jeedimetla, Hyderabad - 500 055

..... Petitioners

AND

- 1 State Bank of India, Jeedimetla Industrial Area Branch, Jeedimetla, Hyderabad, Represented by its Authorized Officer, Under Act 54/2002.
- 2 The Chief Metropolitan Magistrate, Cyberabad, I Addl. Senior Civil Judge, Ranga Reddy District, L.B .Nagar.

.....Respondents

WHEREAS the Petitioners above named through their Advocate SRI V.V.RAMANA presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of a writ of Mandamus:

- i. to declare the action of the respondent No.1 in classifying the loan account of the 1st petitioner bearing CC A/c. No. 32393909407 as Non-Performing Asset as arbitrary, unconstitutional, discriminatory and opposed to public policy and accordingly quash the same;
- ii. To call for the records in CrI.M.P.No. 1032 of 2014 on the file of the 2nd respondent and declare all the proceedings of the 2nd respondent in CrI. M.P.No. 1032 of 2014 under the SARFAESI Act, 2002 are null and void and set aside the same as arbitrary, unconstitutional and opposed to public policy and accordingly quash the same; and
- iii. Declaring the action of taking physical possession of the schedule property on 26.02.2015 through the Advocate Commissioner Notice, dated 30.01.2015 through the Warrant issued by the Chief Metropolitan Magistrate, Cyberabad in CrI.M.P.No. 1032 of 2014, in pursuance of the Possession Notice, dated

11.08.2014 and Demand Notice, dated 30.05.2014 from the petitioners and its tenants as arbitrary, unconstitutional and opposed to public policy and accordingly quash the same and also not according to law; and

- iv. Consequently this Hon'ble Court may be pleased to declare the measures of the 1st Respondent Bank under the provisions of the SARFAESI Act as arbitrary, unconstitutional and accordingly quash the same.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein upon the arguments of SRI V.V.RAMANA Advocate for the Petitioners and of Sri B.S.Prasad, learned Standing Counsel, for SBI, for Respondent No.1, and directed issue of notice to the Respondents herein ***returnable in ten days*** to show cause as to why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in Writ Petition.

You viz;

- 1 The Authorized Officer, State Bank of India, Jeedimetla Industrial Area Branch, Jeedimetla, Hyderabad.
- 2 The Chief Metropolitan Magistrate, Cyberabad, I Addl. Senior Civil Judge, Ranga Reddy District, L.B .Nagar.

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THE COURT MADE THE FOLLOWING ORDER:

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Notice before admission returnable in ten days.

Sri B.S.Prasad, learned counsel for the respondents, requests ten days' time to file counter.

Post the writ petition 'for admission' on 23.03.2015 in the motion list.

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ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Authorized Officer, State Bank of India, Jeedimetla Industrial Area Branch, Jeedimetla, Hyderabad.
- 2 The Chief Metropolitan Magistrate, Cyberabad, I Addl. Senior Civil Judge, Ranga Reddy District, L.B .Nagar.(1 & 2 by RPAD along with a copy of petition and affidavit)

- 3 One CC to SRI V.V.RAMANA Advocate (OPUC)
- 4 Two spare copies.

SRL

HIGH COURT

RRJ & MSMJ

DATED: 13.03.2015

NOTE: POST THE WRIT PETITION 'FOR ADMISSION' ON 23.03.2015 IN

THE MOTION LIST

NOTICE BEFORE ADMISSION

WP NO.6420 OF 2015

DIRECTION

DRAFTED BY: SRL
DRAFTED ON: 16-03-2015

HIGH COURT

RRJ & MSMJ

DATED: 13.03.2015

**NOTE: POST THE WRIT PETITION 'FOR ADMISSION' ON 23.03.2015 IN
THE MOTION LIST**

NOTICE BEFORE ADMISSION

WP NO.6420 OF 2015

DIRECTION