

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WVMP.No.655 of 2014**

**in**

**WP.No.33187 of 2013**

**And**

**WP.No.33187 of 2013**

**ORDER :**

In this Writ Petition the order dt.23.09.2013 in Claim Petition No.2 of 2013 in E.P.No.48 of 2004 passed by 3<sup>rd</sup> respondent is questioned by the petitioner.

2. The counsel for petitioner Sri M.V. Pratap Kumar submits that the impugned order does not give any reasons while rejecting the claim petition of petitioner.

3. The impugned order states :

*"In view of the powers conferred under Rule 52 (21) (a) of APCS Rule, 1964, upon perusal of the claim petition filed by the claim petitioner and the counter filed by the respondent bank along with other connected documents, that the mortgage still exists in favour of the bank and the bank have already obtained decree for recovery of dues from the borrower, mortgagor and guarantors. The claim petitioner's failed to prove his claim and hence the claim petition is dismissed."*

4. A reading of the above paragraph indicates that no reasons have been furnished by 3<sup>rd</sup> respondent for rejecting the claim petition filed by the petitioner.

5. It is settled law that giving of reasons for a *quasi*

judicial order is a part of principles of natural justice. (See **S.N. Mukherjee v. Union of India**<sup>[1]</sup>)

6. In this view of the matter, the impugned order cannot be sustained. The Writ Petition is allowed and the impugned order is accordingly set aside. Consequently, the WVMP.No.655 of 2014 is dismissed.

7. The matter is remitted back to 3<sup>rd</sup> respondent to pass a fresh order in accordance with law after applying his mind to the contentions of the respective parties, and also give reasons for his decision.

8. This exercise shall be completed within a period of eight (08) weeks from the date of receipt of a copy of this order.

9. Pending further orders to be passed by 2<sup>nd</sup> respondent, the subject properly shall not be sold.

10. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 07.12.2015  
Ndr/\*

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<sup>[1]</sup> AIR 1990 SC 1984