

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

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WRIT PETITION No.33116 of 2015

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

This writ petition is filed with the prayer, which reads as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondent bank got appointing an Advocate Commissioner by approaching on the file of Chief Judicial Magistrate, Karimnagar vide order dt.16.09.2015 in CrI.MP.No.157/2015 to take possession of the property i.e., Residential Building with H.No.9-2-80 (old) H.No.9-2-110 (New) admeasuring 169.31 sq. yards situated at Godamgadda, Mominpura, Karimnagar by declaring the same as illegal, arbitrary, capricious and not permissible under any law and without jurisdiction and consequently set-aside the orders said notice dated 29.5.2015 and direct the respondent bank to follow due process of law available under any law for recovery of the loan amount due to it and pass such other order or orders in the interest of justice.”

While issuing notice before admission, this Court, by order dated 07.10.2015, granted interim stay of eviction of the petitioner from the property in question pursuant to the impugned order, dated 16.09.2015, passed in CrI.M.P.No.157 of 2015 by the Chief Judicial Magistrate, Karimnagar, on condition of the petitioner depositing Rs.2,00,000/- within a period of four weeks from the date of passing of the order.

Learned counsel for the petitioner submitted that the petitioner has deposited Rs.2,00,000/- as per the orders of this Court.

On the other hand, Sri B.S.Prasad, learned Standing Counsel appearing for the 1st respondent Bank, submitted that on deposit of

Rs.2,00,000/- by the petitioner in pursuance of the orders of this Court, the loan account of the petitioner was regularized and, as such, the subject matter of the writ petition has become infructuous.

In view of the aforesaid submission of learned counsel for the 1st respondent Bank, no further orders are required to be passed in this writ petition.

Thus, placing on record the aforesaid submission of learned counsel for the 1st respondent, the writ petition is closed. No order as to costs.

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

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

03.12.2015

v v