

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

WRIT PETITION No.17887 of 2015

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

In this writ petition, the petitioners are seeking a direction by way of Mandamus to declare the inaction on the part of the 1st respondent in removing the lock and handing over possession of the premises bearing D.No.1-203/A/54/3/E situated at Tarlupadu Road of Markapur in Prakasam District, during pendency of S.A.No.150 of 2015, as illegal and arbitrary and a consequential direction to the respondents to consider the representation dated 29.05.2015 for re-scheduling the loan account Nos.31586082645 and 30454370233.

At the stage of admission, this Court, by order dated 22.06.2015, granted stay of auction on condition of petitioners depositing Rs.1,00,000/- and pursuant thereto, the petitioners have paid the said amount, but thereafter when the matter was listed on 27.08.2015, there was no representation for the petitioners and therefore, it was directed to be posted under the caption "for dismissal". Subsequently, even on 18.09.2015, despite listing the matter under the caption "for dismissal", there was no representation for the petitioners and as such it is posted today. Even today also there is no representation for the petitioners.

On the other hand, it is represented by Sri B.S.Prasad, learned counsel for the 1st respondent Bank, that pursuant to the interim

order passed by this Court, the petitioners have deposited Rs.1,00,000/- and that an application filed by the petitioners for re-delivery of possession, is pending consideration before the Debts Recovery Tribunal.

As there is no representation for the petitioners in spite of the matter being listed under the caption “for dismissal, the writ petition is dismissed for non-prosecution. However, as the petitioners have already deposited Rs.1,00,000/- pursuant to the interim order passed by this Court, the 1st respondent shall adjust the said amount in the loan account of the petitioners. Further it is made clear that for realization of the balance amount, it is left open to the 1st respondent to take appropriate steps in accordance with law.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

21.09.2015

v v

