

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

WEDNESDAY, THE TENTH DAY OF JUNE,
TWO THOUSAND AND FIFTEEN

:PRESENT:

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

WP .NO: 10417 of 2015

Between:

Vallu Sowjanya, W/o. V.O. Raja Veer,
Plot No.198, Triveni Nagar Colony, Balapur X Roads,
Hyderabad-500097, R.R. District.

..... Petitioner

AND

- 1 Andhra Bank, Rep. by its Chief Manager, Nagarjuna Nagar Colony Branch (1419), Plot No.21, Kushaiguda, ECIL Post, Hyderabad-500 062.
- 2 The Authorised Officer cum Chief Manager, Andhra Bank, Nagarjuna Nagar Colony Branch (1419), Plot No.21, Kushaiguda, ECIL Post, Hyderabad-500 062.

.....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 order or direction or writ, more particularly in the nature of writ of mandamus, declaring the action of the Respondents in issuing the letter dated 10.03.2015 in the form of confirmation of the sale under e-auction dated 09.03.2015 for the alleged Flat bearing Flat No.T-2 in 3rd floor, 'SRI VENKATESHWARA RESIDENCY', admeasuring 1380 sq.feet., of including common area together with undivided share of land of 36.00 sq.yards out of 502.20 sq.yards, in survey No.175, situated at UTTAM NAGAR, under Malkaigiri Mandal & Municipality, R.R. Dist, and bounded as under:- North by : Open to sky, South by : Open to sky, East by: Flat No.T-1, West by : Open to sky, showing the sale price as Rs.15.00 lakhs and further directing the petitioner to deposit a sum of Rs.3,67,500/- subject to the condition that if the said amount is not paid within a period of fifteen days, the entire amount paid i.e. Rs. 11,32,500/- will be forfeited, as arbitrary, illegal, contrary to Rule 5(5)(d) and Rule 9 (1) to (3) of the Security Interest (Enforcement) Rules, 2002, framed under SARFAESI Act 2002, violative of the fundamental rights guaranteed to the petitioner under Article 14 and 19(1)(g) of the Constitution of India and direct the Respondents to refund the sum of Rs.11,32,500/- with admissible rate of interest applied in case of fixed deposits, in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Deepak Bhattacharjee, Advocate for the Petitioner and Sri P.V. Uma Shanker Rao, Standing Counsel for the Respondents, the Court made the following

ORDER:

It is the case of the petitioner that, in view of the mistaken description of the immovable property notified in the auction, he has offered his bid and paid Rs.11,32,500/- and he has no objection for re-sale of the property, for which he has offered his bid.

As the petitioner has offered his bid for Rs.15,00,000/-, so as to know whether the respondent Bank will get the same amount in re-sale or not, we permit the respondent Bank to issue fresh sale notice and notify schedule-B property for sale. If it fetches Rs.15,00,000/- or more, it is open to the respondent Bank to accept such offer and confirm the sale in favour of the bidder.

Post after six (6) weeks.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Chief Manager, Andhra Bank, Nagarjuna Nagar Colony Branch (1419), Plot No.21, Kushaiguda, ECIL Post, Hyderabad-500 062.
 - 2 The Authorised Officer cum Chief Manager, Andhra Bank, Nagarjuna Nagar Colony Branch (1419), Plot No.21, Kushaiguda, ECIL Post, Hyderabad-500 062.
- (Addressees 1 & 2 BY RPAD)**
- 3 One CC to Sri Deepak Bhattacharjee, Advocate (OPUC)
 - 4 Two spare copies.

nnr

HIGH COURT

**RSR,J
&
ASN,J**

DATED: 10-6-2015

NOTE: Post after six weeks

ORDER

W.P.NO. 10417 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 16-06-2015

**RSR,J
&
ASN,J**

DATED: 10-6-2015

NOTE: Post after six weeks

ORDER

W.P.NO. 10417 OF 2015

DIRECTION