

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.39690 of 2015

Dated 08.12.2015

Between:

Vangala Ravi Kiran

... Petitioner

and

-
The Axis Bank, rep. by its Branch Managaer,
Hyderabad and 2 others

...Respondents

Counsel for the petitioner:

Mr.M.Surekha Ramani

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the inaction of respondent No.2, in considering the petitioner's representation, dated 11-11-2015, to take steps to get back the housing loan amount of Rs.67,15,939/- sanctioned to him and released in favour of one Muhajad Khan, in view of cancellation of the sale deed bearing Doc.No.7451/2015, dated 31-10-2015, *vide* cancellation deed, dated 10-11-2015, as illegal and arbitrary.

The petitioner pleaded that he has entered into a sale transaction with one Muhajad Khan, who, allegedly, misrepresented that he is the owner of the subject property and sold the same to him under a registered sale deed, dated 31.10.2015; that in connection with the said sale transaction, the petitioner has approached respondent No.2 for sanction of loan; that the latter has, accordingly, sanctioned a sum of Rs.67,15,939/- in his favour; that the said amount was paid through cheque; and that the said cheque was deposited to the credit of the account of the said Muhajad Khan maintained in respondent No.1- Bank. The petitioner further pleaded that on coming to know about the fraud played by the said Muhajad Khan, he along with the true owner of the subject property approached respondent No.3 for cancellation of the sale deed; that, accordingly, a deed of cancellation, dated 10-11-2015, was registered by respondent No.3; and that after registration of the said cancellation deed, the petitioner has approached respondent No.2 to recall the loan sanctioned to him and get back the amount from respondent No.1-Bank credited in the account bearing No.915020043572891 belonging to

the said Mujahad Khan. The petitioner further pleaded that on his request, respondent No.1 has frozen the said account; that the amount in the said account is now safely secured; and that as respondent No.2 has not been taking further action on his request, he has filed this Writ Petition.

After hearing the learned Counsel for the petitioner, this Court is of the opinion that the Writ Petition is not maintainable for the reason that neither of respondent Nos.1 and 2 answers the description of the State within the meaning of Article 12 of the Constitution of India. The petitioner has also not raised any pleading as to any violation of statutory provisions being committed by respondent Nos.1 and 2 or their failure to discharge any public duty for being able to maintain the Writ Petition against respondent Nos.1 and 2, even if they do not fall within the definition of the State.

Therefore, the Writ Petition is dismissed without adjudicating on merits, however, with liberty to the petitioner to avail any other common law remedies available to him in law.

As a sequel to dismissal of the Writ Petition,

WPMP.No.51224 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 8th December, 2015
LUR