

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

WRIT PETITION No.36849 of 2015

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

In this writ petition, the petitioner has questioned the notice dated 27.10.2015 issued by the Advocate Commissioner pursuant to the orders passed in Crl.M.P.No.205 of 2015 by the Chief Metropolitan Magistrate, Cyberabad, under Section 14 of the SARFAESI Act, 2002.

When the possession notice under Section 13(4) of the SARFAESI Act was issued, the petitioner approached the Debts Recovery Tribunal, Hyderabad by filing S.A.No.602 of 2013. In spite of granting opportunities, the petitioner has not paid any amount and the said S.A was finally dismissed by order dated 01.12.2014. Subsequently a writ petition being W.P.No.14115 of 2015 was filed and the same was dismissed as infructuous.

The only contention advanced by learned counsel for the petitioner is that the petitioner is making efforts to mobilize the amount by selling the agricultural lands and that if reasonable time is granted, he would pay the entire debt and as such, requested for grant of three months' time.

In this writ petition, it is to be noticed that the possession notice was issued in the month of August, 2013 and the Tribunal dismissed

S.A.No.602 of 2013 on 01.12.2014. In that view of the matter, we are not inclined to grant three month's time as sought, but we deem it appropriate to give an opportunity to the petitioner by permitting him to pay the amount due within a period of four weeks from today. Till such time, the respondent - Bank is directed not to take coercive steps for enforcement of the order, dated 27.10.2015, passed by the Chief Metropolitan Magistrate, Cyberabad in Crl.M.P.No.205 of 2015. It is made clear that if such amount is not paid within four weeks as directed above, it is open to the respondent – Bank to take steps with regard to enforcement of the order dated 27.10.2015 for realization of the amount, in accordance with law.

Subject to the above, the writ petition is disposed of. No order as to costs.

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

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

13.11.2015

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