

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

* * * *

WRIT PETITION No.27724 of 2013

Between:

Smt. Kurmapu Sharmila Devi @ Venkata

Vara Lakshmi Devi

.. Petitioner

And

The Authorised Officer and Chief Manager,
Andhra Bank, Zonal Office, Visakhapatnam,
Visakhapatnam District
and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 07-08-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

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

WRIT PETITION No.27724 of 2013

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

The petitioner, who is one of the guarantors for the loan availed by respondent Nos.2 to 10 from the 1st respondent Bank, has filed this writ petition questioning e-auction notice dated 24.08.2013, proposing to conduct auction of house plot bearing D.No.9-361/1 of Ward No.23 in Sy.No.162/47 situated at Chinagadili Village within the limits of Visakhapatnam Municipal Corporation, in exercise of powers under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

It is the case of the petitioner that for realization of the very same loan amount, the 1st respondent Bank has filed O.A.No.3 of 2010 before the Debts Recovery Tribunal, Visakhapatnam (for short, 'the Tribunal') under Section 19 of Recovery of Debts Due to the Banks and Financial Institutions Act, 1993 and pending the said O.A., the 1st respondent Bank has simultaneously initiated proceedings under SARFAESI Act. The petitioner is disputing the calculations arrived at by the 1st respondent in demanding the amount due.

When the matter is called, there is no representation for the petitioner. On the other hand, learned counsel for the 1st respondent Bank has submitted that the said O.A is allowed by the Tribunal and against the same, an appeal is carried before the Debts Recovery Appellate Tribunal.

This Court, by order dated 24.09.2013, while admitting the writ petition, granted interim stay on condition of the petitioner paying an amount of Rs.15,00,000/-.

It is represented that pursuant to the interim orders dated 24.09.2013 passed by this Court, the petitioner has deposited the amount and, as such, the auction was not conducted. As much as the said O.A.No.3 of 2010 is disposed of and auction is not conducted, it is for the respondent Bank to take steps afresh in

accordance with law, if any amount is found due by the petitioner. Further, a perusal of the order passed by the Tribunal in the said O.A., a copy of which is produced before this Court, shows that the amount deposited by the petitioner pursuant to the interim order of this Court is already adjusted while disposing of the O.A. In these circumstances, no further relief can be granted to the petitioner in this writ petition.

Subject to the above observations, the writ petition is dismissed. No order as to costs.

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

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

07.08.2015

v v