

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

W.P. No.410 of 2015

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Heard Sri J.Prabhakar, Learned Counsel for the petitioner, and Smt J.Dyumani, Learned Counsel appearing for the first respondent and, with their consent, the Writ Petition is disposed of at the stage of admission. Both Counsel would agree that the second respondent is a formal party in so far as this Writ Petition is concerned, and as such she need not be heard.

The second respondent in this Writ Petition suffered an order in Crl.MP.No.4474 of 2014 dated 08.12.2014, whereby an Advocate Commissioner was appointed to take physical possession of the property i.e. flat bearing No.4D, Reliance Estate situated at MCH No.6-3-600/R/4D, Anand Jyothi Cooperative Housing Society, Hill Top Colony, Khairatabad, Hyderabad.

The petitioner herein, a Senior Advocate of this Court, is the tenant of the second respondent. It is his grievance that, without even giving him breathing time to vacate the flat, the Advocate Commissioner has fixed the date for taking physical possession of the subject property as 20.01.2015. An affidavit is filed by the petitioner undertaking to vacate and hand over vacant possession, either to the first respondent – Bank or to the Advocate Commissioner, on 01.03.2015.

Recording the undertaking of the petitioner, ends of justice would be met if the first respondent – Bank is directed not to take physical possession of the subject property till 01.03.2015. It is made clear that all other proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 may go on; and, in case the subject property is not

vacated by 01.03.2015, the first respondent – Bank may take action, thereafter, in accordance with law.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY,J

Date:19.01.2015

Usd