

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

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WRIT PETITION No.36880 of 2015

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

This writ petition is filed for a Mandamus to declare the action of respondents 1 to 4 in taking steps to evict the petitioner from the house property bearing Door No.12-821 near Urdu School, Ashok Nagar, Anantapur Town and District, pursuant to the letter, dated 07.10.2015, of the 3rd respondent during pendency of SAIR No.454 of 2015 in S.A.No.--/2015 on file of the Debts Recovery Tribunal, Hyderabad, as illegal and arbitrary.

In view of the default committed in payment of loan amount by the petitioner, respondents 1 and 2 have initiated proceedings under the SARFAESI Act. After issuing demand notice and possession notice, the Bank has issued e-auction sale notice and sold the property in auction and issued registered sale certificate in favour of the third party – auction purchaser. Questioning the sale proceedings, the petitioner approached the Debts Recovery Tribunal, Hyderabad, by filing S.A. As there was delay in filing such S.A, she filed interlocutory application in SAIR No.454 of 2015. During pendency of such application, she approached this Court on the ground that the respondents are taking steps to dispossess her from the aforesaid property.

As much as SAIR No.454 of 2015 is stated to have been pending before the Tribunal, it is open to the petitioner to pursue the same. But, having regard to the steps taken by the respondents, we are not inclined to grant the relief sought for at this stage. However, if application in SAIR No.454 of 2015 is pending, the Tribunal shall dispose of the same expeditiously, preferably within a period of six

weeks from today.

Subject to the above, the Writ Petition is disposed of. No order as to costs.

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

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

03.12.2015

v v