

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

* * * *

WRIT PETITION No.21307 of 2015

Between: —

Sri Avva Surya Pavan Kumar

.. Petitioner

And

Union of India, rep. by its Secretary,
Dept. of Finance & Planning,
Secretariat, New Delhi,
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.21307 of 2015

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

In this writ petition, the petitioner seeks direction by way of Mandamus to declare the action of the respondent Bank in taking steps to conduct auction of the property covered by notice dated 04.06.2015, on 13.07.2015, as illegal and arbitrary.

It is the case of the petitioner that he has availed loan facility from the 2nd respondent Corporation Bank and when defaulted in repaying the loan amount, the respondents have initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. After issuing demand notice and possession notice, when the auction notice is issued on 04.06.2015, this writ petition is filed mainly on the ground that the respondents are not furnishing statement of account and also not receiving the Demand Drafts offered by the petitioner

for payment of the entire due amount.

When the matter is called for hearing, it is submitted by learned counsel for the respondent Bank that though the respondents have issued auction notice on 04.06.2015, no auction was conducted on 13.07.2015 for want of bidders, as such, the respondents are taking steps to issue fresh notice. It is also submitted that though it is stated in the affidavit that the petitioner is willing to pay the amount due by way of demand drafts, no such attempts are being made by him for payment and, if he is ready to do so, the respondents are prepared to accept the same.

As much as no auction was conducted on 13.07.2015, no adjudication is necessary on the validity of the notice dated 04.06.2015. In case the petitioner intends to pay the amount due by way of demand draft, it is always open to him to go to the respondent Bank and pay the same, in which event, the respondent Bank shall accept the same and take steps accordingly.

Subject to the above observations, 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

07.08.2015
v v

JUSTICE A.SHANKAR NARAYANA