

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

* * * *

WRIT PETITION No.19850 of 2015

Between:

R.Megnasen

.. Petitioner

And

M/s. State Bank of India
Pattikonda Branch, Kurnool District
Rep. By its Authorised Officer
and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 18-08-2015

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.19850 of 2015

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

In this writ petition, the petitioner seeks a direction by way of Mandamus to declare the action of the respondent Bank in issuing possession notice, dated 17.04.2015, under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act'), as illegal and arbitrary.

The petitioner is the adopted daughter of late Smt.R.Surya Kumari, who was running a gas agency of BPCL at Pattikonda, Kurnool District. The said Surya Kumari has availed cash credit facility and other loan to the tune of Rs.6,00,000/- and Rs.2,00,000/- on 26.04.2007 & 14.01.2011 from the respondent Bank. Having failed to repay the same, the respondent Bank has initiated proceedings under the Act and possession notice is issued. Questioning the same, this writ petition is filed.

At the stage of admission, this Court, on 02.07.2015, granted interim stay on condition of the petitioner depositing 50% of the amount due within a period of six weeks from the date of the order, but it is stated that the petitioner has paid Rs.50,000/- only and filed a petition in WPMP.No.33892 of 2015 seeking extension of time for paying the remaining amount to satisfy the said condition.

When the matter is called for hearing, learned counsel for the petitioner submitted that the petitioner is making efforts to pay the entire amount due as on 02.07.2015 along with subsequent interest within a period of six weeks.

Learned Standing Counsel appearing for the respondent Bank submits that no sale notice is issued so far.

Having regard to the request made by learned counsel for the petitioner, we deem it appropriate to dispose of the writ petition permitting the petitioner to pay the amount due as on today within a period of six weeks from today. On failing to pay the same, it is open to the respondent Bank to take further steps in accordance with the provisions of the Act.

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

18.08.2015
v v

JUSTICE A.SHANKAR NARAYANA