

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO.36234 OF 2015

DATED:07-09-2016

Between:

M. Nageswar Rao

... Petitioner

And

The Recovery Officer
Debts Recovery Tribunal,
At Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONER : Mr. Amancharla V. Gopala Rao

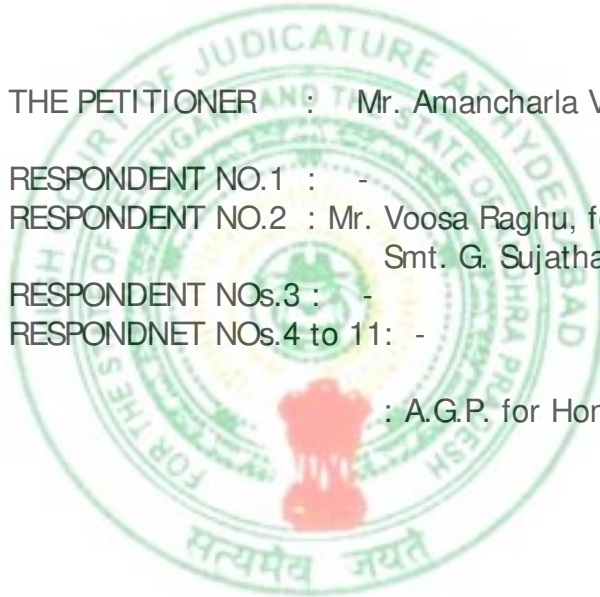
COUNSEL FOR RESPONDENT NO.1 : -

COUNSEL FOR RESPONDENT NO.2 : Mr. Voosa Raghu, for
Smt. G. Sujatha

COUNSEL FOR RESPONDENT NOS.3 : -

COUNSEL FOR RESPONDENT NOS.4 to 11: -

: A.G.P. for Home (A.P.)



THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for a mandamus to declare the action of respondent No.1 in returning the claim petition filed by the petitioners, by order dt.4.11.2015 in C.P.I.R. No.25 of 2015 in R.P. No.230 of 2003 in O.A. No.719 of 2001 as illegal.

Though the previous Division Bench has taken a serious view of the conduct of the petitioners and called for an investigation report from the Police, having regard to the fact that the controversy sought to be raised by the petitioners being narrow, we feel that it is not necessary for this Court to examine the aspect raised by the said Division Bench in its order dt.12.4.2016. As no final order adverse to their interests is passed by respondent No.1, the petitioners shall be free to represent the claim petition after complying with the objections. We feel that the objections raised by respondent No.1 on which he has returned the claim petition shall be placed by him before the Debts Recovery Tribunal (DRT). On such submissions of papers by respondent No.1, the DRT shall consider the plea of the petitioners and decide on the objections. If the DRT rejects the objections raised by respondent No.1, it shall dispose of the claim petition on merits. Otherwise, it shall pass a detailed order for sustaining the objections.

With the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.46625 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

07-09-2016
bmr

