

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

W.P.No.10130 of 2016

Date : 22-08-2016

Between:

Bandaru Mareswara Rao
and others

.. Petitioners

And

Vijaya Bank, represented by its
Manager, Kolamuru Branch,
Kolamuru village, Undi Mandal,
West Godavari District
and others

.. Respondents

Counsel for petitioners : Ms. Anula for Mr. Mangena Sree Rama Rao
Counsel for respondent Nos.1 & 2 : Mr. Maruthi Jadav
for Mr. B.S. Prasad

The Court made the following :

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

This Writ Petition is filed for a mandamus to declare the action of respondent Nos.1 and 2 in issuing notices dated 1-1-2016 and 9-3-2016 threatening to publish possession notice and auction notice in respect of land admeasuring 165½ sq.ft. in R.S.No.180 and residential building thereon bearing Door No.3-57, of Kalla village and Mandal, West Godavari District, as illegal and arbitrary.

This Court, by order dated 30-3-2016 directed the respondents not to finalise the proposed sale subject to the petitioners paying a sum of not less than Rs.4 lakhs on or before 30-4-2016.

At the hearing, Ms. N. Anula, the learned Counsel representing Mr. Mangena Sree Rama Rao, learned Counsel for the petitioners, submitted that her clients have paid the amount as directed by this Court. She has further submitted that there is a dispute relating to calculation of interest and that if the said dispute is settled, the petitioners are ready and willing to pay the balance amount within a reasonable time.

Mr. Maruthi Jadav, learned Counsel appearing for Mr. B.S. Prasad, learned Standing Counsel for respondent Nos.1 and 2-Bank, submitted that as on 31-5-2016, the petitioners are liable to pay the balance sum of Rs.4,52,042/- and that the petitioners may be granted reasonable time for payment of the said amount.

In our opinion, if there is a dispute relating to calculation of interest, the petitioners can always approach respondent Nos.1 and 2 for settlement of such dispute. However, in the guise of such dispute,

the petitioners cannot be permitted to withhold the amount demanded by respondent Nos.1 and 2-Bank. Therefore, the petitioners are permitted to pay the entire balance amount with interest accrued as on 31-5-2016 within two months from today. Upon such payment, respondent Nos.1 and 2 shall consider the grievance relating to calculation of interest and communicate the decision to the petitioners. If the petitioners fail to pay the balance amount as directed, the respondents shall be free to further proceed in pursuance of the notices issued by them for recovery of the balance due amount. On receipt of the aforementioned amount, the respondents shall close the loan account, subject however, to the right of the petitioners to seek resolution of the dispute relating to calculation of interest. If the petitioners feel aggrieved by the decision of respondent Nos.1 and 2 on the interest calculation, they shall be free to avail appropriate legal remedy.

Subject to the above direction, the Writ Petition stands disposed of.

As a sequel to the disposal of the Writ Petition, WPMP No.12785 of 2016 and WVMP No.2574 of 2016 are dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Justice G. Shyam Prasad

Date : 22-8-2016

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