

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

WRIT PETITION No.8603 of 2016

DATE: 26.09.2016

Between:

Smt. Bonagiri Saraswathi

....Petitioner

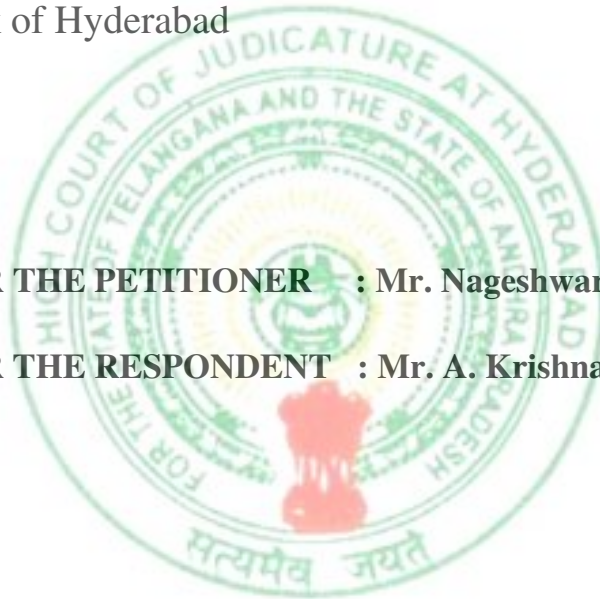
and

The State Bank of Hyderabad

....Respondent

COUNSEL FOR THE PETITIONER : Mr. Nageshwara Rao Pujari

COUNSEL FOR THE RESPONDENT : Mr. A. Krishnam Raju



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

This Writ Petition is filed for the following substantive relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ or Direction or an Order which particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondent Bank in conducting e-Auction on 29.03.2016 against the petitioner's property situated at Warangal Fort Road, Rudramamba Nagar in Sy.No.2087, admeasuring 267 Sq.Yards, bounded by: East: Plot of D.Pullaiah, West: 30 feet road, North: House of Krishna Murthy, South: Plot of Ekambaram, for sale is illegal, arbitrary, violation of principles of Natural Justice and violation of Fundamental Rights guaranteed under the Constitution of India and contrary to the provisions of SARFAESI Act and set aside the same and consequently direct the Respondent Bank to release the property documents of the petitioner pertaining vide Registered Sale deed Doc.No.2644/1996 registered at SRO Warangal, Office of the Joint Sub-Registrar pertaining to Sy.No.2087, admeasuring 267 Sq.yards, Rudramamba Nagar, Warangal Fort Road, bounded by: East: Plot of D.Pullaiah, West: 30 feet road, North: House of Krishna Murthy, South: Plot of Ekambaram and pass such other order or orders may deem fit and proper in the circumstances of the case.”

At the hearing, Mr. A. Krishnam Raju, learned Standing Counsel appearing for the respondent submitted that though the petitioner has given personal guarantee and also deposited documents of title in respect of the mortgaged property for the loan sanctioned by the respondent in favour of the principal borrower, the

value of the mortgaged property was only Rs.33.97 lakhs. Since the respondent was able to sell the property mortgaged by the petitioner for only Rs.33.97 lakhs and such amount was already deposited by the petitioner, the respondent will release the documents of title to the petitioner subject to the right of the bank to enforce the personal guarantee against the petitioner in any other manner as permissible in law. He has however submitted that since the respondent has incurred expenses, the petitioner may be directed to pay a sum of Rs.50,000/-. Mr. Nageshwara Rao Pujari, learned counsel for the petitioner fairly accepted this submission.

In the light of the above, on the petitioner depositing a sum of Rs.50,000/-, the respondent shall discharge the mortgage in respect of the property mortgaged by the petitioner and return the original documents of title to her.

Subject to the above, the Writ Petition is disposed of.

As a sequel to disposal of writ petition, WPMP.Nos.10891 and 23374 of 2016 filed by the petitioner stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

22nd SEPTEMBER, 2016.

G. SHYAM PRASAD, J

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