

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

Writ Petition No.27990 of 2016

Date:23.8.2016

Between:

M/s Sumohan Engineers Pvt. Ltd.,
Hyderabad, repled by Mr. Seeta Ram
Kumar Gorty

..... Petitioner

And:

Authorized Officer,
Bank of India, Hyderabad
and another.

....Respondents

Counsel for the petitioner: Mr. P.Hari
For Mr. N.Siva Reddy

Counsel for the respondents: None appeared

The Court made the following:

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

This Writ Petition is filed for the following substantive relief:

"..... to issue a Writ, Order or direction more particularly one in the nature of Writ of *Mandamus* declaring the actions of the Respondents in issuing the Sale Notice dt.14.07.2016 published in News Paper dt.17.07.2016 by fixing the date of Auction as 22.08.2016 as null and void, besides to set-side all the measures taken under the SARFAESI Act, 2002 under 13 (2), 8(6) Auction Notice and Sale Notice dt.14.07.2016, R/w Rule 8(2) of the Security Interest (Enforcement) Rules 2002 against the Properties, i.e. (1) A Residential Flat No.402 admeasuring 1055 Sqft (including common area and car parking) at 4th Floor of Sri Padmavathi Plaza, along with undivided share of 35 sq. yards or 29.26 sq. meters situated in Plot Nos.73 & 74, Block No.2 of Tirumala nagar Colony in Survey No.7 of Meerpet Village, Uppal Mandal, Kapra Municipality, Ranga Reddy District, Hyderabad in the joint names of G.Seeta Ram Kumar and G.Lakshmi Sushama; (2) Land admeasuring 166.66 sq.yards (139.32 sq.meters) and Residential Building constructed thereon at Plot No.144 with H.No.5-12-237 in Survey Nos.24 and 27, Block No.5, New Mangapuram Housing Colony, Meerpet Village, Uppal Mandal, Hyderabad in the name of Mrs. G.Lakshmi Sushama; (3) Land admeasuring 3136.13 Square Meters at Plot No.A-28/1/14/D, Industrial Development Area, Nacharam, RR District with constructed area of 9000 Sq.Feet (with ACC Roof) in the name of M/s. Saba Fabricks Pvt., Ltd.; (4) Land admeasuring 2627.70 sq.yards on Sy.Nos. 615,616 and 617 and constructions thereof at Moulali IDA belonging to M/s. Golconda Card Board and Corrugated Packaging Industry; (5) Land admeasuring 360 sq.yards and Residential House constructed thereon at Plot No.315, Sy.No.361/1/2, Sy.No.368/1, Jawaharnagar Co-operative Housing Society, Moulali, Malkajgiri Municipality, Ranga Reddy District, Telangana State standing in the name of G.Seeta Ram Kumar and G.Lakshmi Sushama;

(6) A Residential Flat No.401 admeasuring 1055 sft at 4th Floor of Sri Padmavathi Plaza, Tirumala Nagar, Moulali together with undivided share of land to an extent of 35 sq.yards on Plot Nos., 73 and 74 in Survey No.7 situated at Block No.2 Tirumala Nagar Colony, Meerpet Village, Uppal Mandal, Kapra Municipality, Ranga REdy District, under SRO Uppal in the name of CSS.Krishna-Guarantor; and (7) Land admeasuring 121.91 sq.yards and Residential Building constructed thereon at H.No.4-42-678, Plot No.678 forming part of Sy.No.348 to 351, 352 (part), 357 (part) and 358 (part) situated at Asbestos Hills Colony, Jagadgirigutta, Kukatpally Village, Balanagar Mandal, RR District in the name of K.Narayana Reddy-Guarantor since the same are null and void and violative of the Provisions of the SARFAESI Act and Rules thereunder."

At the hearing, Mr. P.Hari, learned counsel representing Mr. N.Siva Reddy, learned counsel for the petitioner, requested for permission of the Court to withdraw the Writ Petition.

In view of the same, the W.P. is dismissed as withdrawn.

As a sequel to dismissal of the Writ Petition, WPMP.No.34676 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

23rd August 2016

DR