

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.24686 OF 2009

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of respondent No.2 in initiating the proceedings under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, dated 11.10.2009 for taking possession of the house property in Flat No.B-3, First Floor, constructed in the premises bearing No.8-2-403/B/B3, Road No.4, Banjara Hills, Hyderabad and also proceeding with criminal action under Section 138 of the Negotiable Instruments Act, 1881, as arbitrary and illegal and consequently, to direct the respondents to forbear from interfering with the peaceful possession and enjoyment of the aforesaid house property.

2. On 16.11.2009 this Court while issuing *Rule Nisi*, ordered interim stay on condition of the petitioner paying a sum of Rs.1,00,000/- within a period of three (03) weeks from the said date and to clear the EMIs that have become due till then, within a period of six (06) weeks thereafter.

3. Later, the 2nd respondent filed W.P.M.P.No.4203 of 2009, to vacate the said interim order. At the time of hearing of the said miscellaneous petition, learned counsel for the vacate stay petitioner submitted that though the writ petitioner has complied with the first part of the order by depositing an amount of Rs.1,00,000/-, he has failed to comply with the second part thereof by clearing the EMIs that have become due till the date of passing

of the order. Hence, this Court by an order, dated 18.03.2010, vacated the interim stay granted on 16.11.2009.

4. On 18.12.2015 when the matter was taken up for hearing, it was represented that the counsel appearing for the petitioner expired. Hence, Registry was directed to issue notice to the writ petitioner. Notice, which was sent to the petitioner, was returned with an endorsement 'un-claimed' and no vakalat was filed till 05.02.2016. Even today when the matter is taken up for hearing, there is no representation on behalf of the petitioner. It appears that the petitioner is not interested in pursuing the matter.

5. Hence, the Writ Petition is dismissed for non-prosecution. Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:09.02.2016
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