

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.14932 of 2016

Date: 09.09.2016

Between:

M/s.Raghava Educational Society
Nellore, rep. by its Secretary
Sri Kamineni Dasaradha Ramaiah

... Petitioners

and

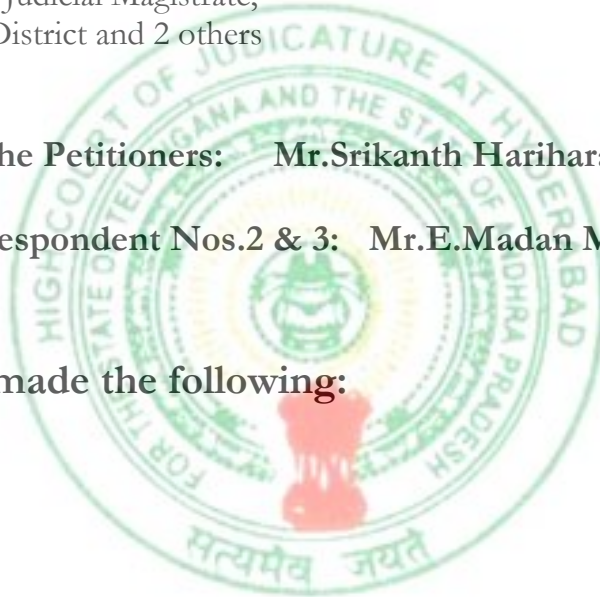
Hon'ble Chiefr Judicial Magistrate,
SPSR Nellore District and 2 others

...Respondents

Counsel for the Petitioners: Mr.Srikanth Hariharan

Counsel for respondent Nos.2 & 3: Mr.E.Madan Mohan Rao

The Court made the following:



Order: (Per the 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 in the nature of a writ of mandamus declaring the action of the Respondents in seeking to take physical possession of the properties belonging to the Petitioners in the Schedule annexed to this writ petition purportedly pursuant to the order dated 07-04-2016 in Crl.M.P.No.17 of 2016 on the file of the First Respondent, as wholly illegal, arbitrary and contrary to the provisions of Article 300-A, Article 14 and 19 of Constitution of India.”

On 27-04-2016, this Court has passed the following order:

“There shall be interim direction to the second respondent-Bank to re-deliver the possession of item Nos.4 and 6 mentioned in the schedule, on condition of the petitioner depositing Rs.50,00,000/- (Rupees fifty lakhs only) on or before 31st July, 2016, failing which, the second respondent-Bank take steps in accordance with the provisions of the SARFAESI Act. The second respondent- Bank is further directed not to take possession of items 1, 2, 3 and 5.”

At the hearing, the learned Counsel for the petitioners submitted that his client is unable to comply with the aforementioned order.

In view of the above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.18551 and 18552 of 2016, filed by the petitioner for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 9th September, 2016
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