

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.39776 OF 2015

ORDER: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

Yesterday, a request is made not to pronounce the judgment and post the matter today and accordingly, when the matter is posted today and taken up, learned counsel for the petitioners Sri Sita Ram Chaparla has filed U.S.R. Memo No.9400 dated 30.03.2016 duly signed by the first petitioner. Contents of the memo, in effect, seek permission to withdraw the writ petition W.P.No.39776 of 2015 with liberty to raise all contentions which have been canvassed herein in this writ petition, before the Debt Recovery Tribunal. That far, there is no difficulty for us to concede to the request found in the memo, but however, the memo has also proceeded further and sought for a direction to the respondent bank to return the amount of Rs.10,00,000/- which was paid on 17.12.2015 and 18.12.2015 and a further direction to refund even Rs.10,00,000/- which was deposited in the month of February, 2015 for securing one time settlement from the Bank. This later portion of the request found in the memo, is contentious one. Apart from the fact that Sri Ambadipudi Satyanarayana, learned Standing Counsel for the Bank, expressing reservation with regard to the same, we are also of the view that any such request is not liable to be acted upon by us, when the request in essence, is to withdraw the case by preserving liberty to approach the Debt Recovery Tribunal and urge the contentions canvassed in this writ petition there. At that stage, Sri Sita Ram Chaparla has fairly stated that, neither the petitioner, nor he, the learned counsel for the petitioners are interested in pressing the later part of the request found in the memo filed today i.e on 30.03.2016 and in fact, a request is also made to permit to strike-off that portion of the request in the memo duly authenticated by the learned counsel for the petitioners.

Permission is accorded.

In that view of the matter, we concede to the request found in the U.S.R. Memo No.9400 dated 30.03.2016 and permit the petitioners to withdraw the writ petition. Hence, the writ petition is dismissed as withdrawn, preserving liberty to urge all these contentions which are canvassed in this writ petition before the Debt Recovery Tribunal, as prayed for in the U.S.R. Memo No.9400 dated 30.03.2016.

Hence, we have not affixed our signatures on the judgment which we have prepared and intended to pronounce today in the open Court.

The U.S.R. Memo No.9400 dated 30.03.2016 is accepted and taken on record.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No cost.

JUSTICE NOOTY RAMAMOHANA RAO

DR. JUSTICE B. SIVA SANKARA RAO

30.03.2016

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