

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.10884 of 2016

ORDER:

Andhra Bank, the petitioner herein, is aggrieved by the attachment of properties by the Government in exercise of powers under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (for brevity, 'the Act of 1999').

G.O.Ms.No.23, Home (ARMS&SPF) Department, dated 20.02.2015 was issued by the Government of Andhra Pradesh exercising powers under Section 3 of the Act of 1999 attaching certain immovable properties standing in the name of M/s. Agri Gold Farms and Estates India Private Limited and its Directors. According to the petitioner – Bank, some of the properties so attached were earlier mortgaged with it for the purpose of securing loans advanced by it to certain sister concerns of M/s. Agri Gold Farms and Estates India Private Limited, which are impleaded as respondent Nos.4 to 6.

Sri M. Narender Reddy, learned Senior Counsel appearing for Sri M. Srikanth Reddy, learned counsel for the petitioner - Bank, fairly informed this Court that the petitioner – Bank has already approached the Special Court under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999, at Eluru, vide CrI.M.P.No.1032 of 2015 in Crime No.3 of 2015. According to the learned Senior Counsel, the application was filed as long back as on 20.08.2015 but despite the pendency thereof, the learned Principal District and Sessions Judge, Eluru, passed orders on 23.09.2015 in CrI.M.P.No.998 of 2015 in Crime No.3 of 2015 on the file of Pedapadu Police Station, making absolute the attachment effected under G.O.Ms.Nos.22 and 23 dated 20.02.2015 and G.O.Ms.No.73 dated 05.06.2015. Learned Senior Counsel would however concede that notwithstanding the order, it would be open to the Special Court to vary the order of attachment exercising powers under the Act of 1999 upon the application filed by the petitioner – Bank.

As the petitioner – Bank has already approached the Special Court for relief, this Court is not inclined to entertain this writ petition, whereby the petitioner – Bank seeks to lay a challenge to G.O.Ms.No.23 dated 20.02.2015. The petitioner – Bank must necessarily pursue its remedies before the Special Court in the first instance.

That being said, it is not proper on the part of the Special Court to keep the application filed by the petitioner – Bank pending indefinitely. As the said application was filed as long back as in August, 2015, the writ petition is disposed of directing the Special Court under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 at Eluru, West Godavari District, to consider the petitioner – Bank's application in CrI.M.P.No.1032 of 2015 in Crime No.3 of 2015 on the file of Pedapadu Police Station in accordance with law and pass appropriate orders thereon expeditiously and preferably within three months from the date of receipt of a copy of this order. All issues are left open.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:01.04.2016

Note:

Furnish C.C. in three days.

(b/o)

GJ