

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.28282 of 2016

24.08.2016

Between:

K.Bharathi Devi

..Petitioner

And

UCO Bank, Kolkata and others

..Respondents

Counsel for the petitioner: Mr.M.Sudheer Kumar

Counsel for the respondents: --

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed on the main plea that the land admeasuring Acs.2.05 guntas situated in survey Nos.77 and 78 of Ibrahimbag Village, Golconda Mandal, Hyderabad, which was given as security by the petitioner being the guarantor for the loan sanctioned and disbursed in favour of the principal borrower, is an agricultural land, which is exempted from sale under the provisions of Section 31(i) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The petitioner filed the registered sale deed, under which she purchased the subject property, wherein the same is described as an agricultural land, besides the common order, dated 04.11.1999, in W.P.Nos.18263 and 32456 of 1997, in the context of the plea that the subject land is an agricultural land and that M/s.Mittal Rose Gardens, of which the petitioner is a managing partner, is entitled to access for agricultural operations.

3. Mr.G.Anand Kumar, learned standing counsel for UCO Bank appearing for the respondents, has fairly submitted that in view of the averment of the petitioner that the land proposed to be auctioned is an agricultural land, the respondents may be permitted to withdraw the said property from the auction proceedings, in order to examine this aspect and without prejudice to their right to initiate fresh action, in the event, they are satisfied that the mortgaged land is not an agricultural land.

4. In view of the above fair submission of the learned standing counsel, the respondents are permitted to delete the aforementioned extent of the land from the auction proceedings as requested by the learned counsel for the petitioner. The respondents shall give a notice to the petitioner and after

holding an enquiry into the nature of the land, they shall pass appropriate order and communicate the same to the petitioner, in the event they seek to proceed against the subject property afresh.

5. Subject to the above directions, the Writ Petition is disposed of.

6. As a sequel to disposal of the writ petition, W.P.M.P.No.35030 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

24th August, 2016
GHN

