

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.29093 of 2016

Between:

M. Srinivasa Rao

PETITIONER

And

1. State Bank of Hyderabad, rep. by its Authorized Officer, Stressed Assets Management Department, King Koti Road, Abids, Hyderabad, and another.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.29093 of 2016

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner has come up with the present writ petition challenging an e-auction-cum-sale notice.

2. Heard Mr. Kowturu Pavan Kumar, learned counsel for the petitioner, Mr. K.V. Subrahmanya Narsu, learned counsel for the 1st respondent-Bank and Mr. D. Sudershan, learned counsel for the 2nd respondent.

3. The Second respondent-builder committed default in making repayment of dues to the 1st respondent-bank. Therefore, the property was brought to sale.

4. The petitioner, who was holding an agreement for the purchase of an undivided share of land and also for the construction of flat, came up with the above writ petition in which an interim order was passed on 29.08.2016.

5. The conditional order was complied with by the petitioner.

6. As a consequence, today there are no dues insofar as the flat to be allotted to the petitioner, viz., Flat No.3202, together with the undivided share of land. Therefore, the learned counsel for the 1st respondent-Bank submitted that the Bank has no objection to issue a no due certificate insofar as the flat allotted to the petitioner is concerned. The 2nd respondent cannot have any objection for registration of the flat in favour of the petitioner, as part of his dues to the Bank have been cleared.

7. Therefore, the writ petition is disposed of to the following effect;

- 1 The 1st respondent-Bank shall issue a no due certificate relating to the Flat No.3202 to the petitioner. The portion allotted to the petitioner shall stand redeemed from the mortgage.
- 2 The 2nd respondent shall execute necessary documents and get them registered in favour of the petitioner.

8. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

9th November, 2016
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.29093 of 2016



Date: 09-11-2016

Js.