

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO.19852 OF 2016

DATED:22-08-2016

Between:

M/s. G.V.S.R. Rural Farmers Ware House
Rep. by its Partner Gangula Prudviraj Kumarreddy
Yerraguntla
Kurnool District
and others ... Petitioners

And

The Authorized Officer
State Bank of India
Yerraguntla Branch
Kurnool District
and another ... Respondents

COUNSEL FOR THE PETITIONERS: None appeared

COUNSEL FOR THE RESPONDENTS: Mr. Maruthi Jadav,
for Mr. B.S. Prasad

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THE COURT MADE THE FOLLOWING:

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

This is a vexatious piece of litigation indulged in by the petitioners despite disposal of previous W.P. No.16448 of 2016. A perusal of the material on record shows that the grievance of the petitioners in both these writ petitions is more or less similar, namely, that the respondents have not been properly accounting for the amounts paid by the petitioners. When a possession notice was issued, the petitioners filed W.P. No.16448 of 2016 which was disposed of by this Court by order dt.15.6.2016. The material portion of the order reads as under:

"As the only grievance of the petitioners was that the amounts paid by them had not been given due credit, the respondent bank was asked to address this aspect. Thereupon, Sri Maruti Jadav, learned counsel representing Sri B.S. Prasad, learned counsel for the respondent bank, placed before us a copy of the loan account statement of the petitioners. Learned counsel asserted that all the amounts paid by the petitioners had been given due credit. The said loan account statement was then furnished to Smt. N. Malathi Naidu, learned counsel for the petitioners, and she sought time to get instructions.

Today, Smt. N. Malathi Naidu, learned counsel for the petitioners, states on instructions that the loan account statement furnished by the respondent bank is correct and in terms thereof, all the amounts paid by the petitioners have been given due credit.

In that view of the matter, the grievance ventilated in this writ petition no longer survives for consideration. In the event the petitioners have any further grievance in relation to the validity of the proceedings initiated under the Act of 2002, it is open to them to proceed for redressal thereof before the appropriate forum in accordance with law.

The writ petition is accordingly closed."

Again, self-same possession notice is questioned in the present writ petition on the ground that on 03.6.2016 the petitioners gave a notice for one-time settlement and that they are also aggrieved by compounding of interest and penalties. If the petitioners had any grievance relating to those aspects, they ought to have raised the

same in their previous writ petition, i.e., W.P. No.16448 of 2016, and they cannot be permitted to file successive writ petitions by splitting the causes. The act of the petitioners in filing the present writ petition constitutes sheer abuse of process of law.

The writ petition is therefore dismissed with costs of Rs.10,000/- (Rupees ten thousand only).

As a sequel to dismissal of the writ petition, W.P.M.P. No.24381 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

22-08-2016

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