

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.25445 OF 2016

DATED: 13-10-2016

M/s. 3 Pleplay Web Solutions Private Limited,
Plot No.54, Eshwarapuri Colony,
Nagaram, Keesara Mandal, R.R. District,
Rep. by its Director,
Mr. Sajid Abdul Mohammed,
S/o.M.A. Rahman, Aged 29 years,
R/o.5-41/8, Plot No.96, Road No.7,
P.S. Rao Nagar, Dammaiguda,
Hyderabad.

--- Petitioner.

And

Bank of India,
Authorized Office,
Khairatabad Branch,
Ground Floor, PTI Building,
A.C. Guards, Masab Tank,
Hyderabad and another.

--- Respondents.

Counsel for the petitioner : Mr. V. Roopesh Kumar Reddy.

Counsel for the respondents : Mrs. V. Dyumani.

This Court made the following:

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

This Writ Petition is filed for the following substantive relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to pass an order or writ particularly in the nature of writ of mandamus by declaring the action of the respondent in issuing E-Auction paper publication by putting auction of the property land admeasuring 1332 Sq. yards and building constructed thereon at H.No.6-4-126 (Old) and 7-6-133 (New), situated at jagtial Town, Mandal and Municipal adjacent to Sri Rama Theater, Vidyanagar, Colony, Dharmapuri Road, Karimnagar which stood in the name of Mr. Hari Sugunaker Rao who is the gurantor of the said available loan under Securitization and Reconstruction of Financial Assets and Enforcement of Security Act, 2002 as illegal, arbitrary and violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the Respondent not to proceed further by conducting E-auction in respect of the above said property and by giving sufficient time to repay the same by the Petitioner company, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

On 01.08.2016, this Court has passed the following order:

“.....

In view of the above submission, the respondents are permitted to proceed with the sale as per the impugned sale notification, but however, they shall not confirm the same, pending further orders, subject to the petitioner paying 50% of the amount due to the respondents within one week from today.”

Mrs. N. Anantha Lakshmi, learned counsel, representing Mrs. V. Dyumani, learned counsel for the respondents, submitted that the petitioner failed to comply with the aforementioned conditional order.

Failure of the petitioner to pay the amount, as per the conditional *interim* order of this Court, and absence of its counsel at the hearing, give

raise to a reasonable presumption that the petitioner is not serious in pursuing its cause.

Accordingly, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, interim order shall stand vacated and W.P.M.P. No.31425 of 2016 is dismissed as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

Date: 13-10-2016.
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(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Date. 13-10-2016

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