

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

WRIT PETITION No.1783 of 2016

Date: 19.07.2016

Between:

Kasula Vidya Sagar.

.. Petitioner.

And

The Andhra Bank,
Rep. by its Authorized Officer & Chief Manager,
Ameerpet Branch, 6-3-867, Divyasakthi Apartments,
Hyderabad.

.. Respondent.

Counsel for the petitioner: Mr. N. Sriram Murthy

Counsel for the respondent: Mr. V. Raghu.

The 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 issue a Writ or Direction or an Order which particularly in the nature of WRIT OF MANDAMUS declaring the action of the respondent in dispossessing and taking possession of the petitioner property consisting of entire Ground Floor in H.No.22-2-405/1 & 22-2-406 49/5 admeasuring 2124 sq. feet with undivided share of land 178.17 sq. yards situated at Noor Khan Bazar, beside Jaferia Hospital, Hyderabad bounded by North: Road, South: Neighbors House, East: Neighbors House, West: Neighbors House pursuant to the order in Crl.M.P.No.3473 of 2015 dated 4.12.2015 on the file of the court of the Chief Metropolitan Magistrate, Hyderabad is illegal, arbitrary, violation of Principles of Natural Justice and violation of Fundamental Rights guaranteed under the Constitution of India and contrary to the provisions of SARFAESI Act and set aside the same and consequently direct the respondents not to dispossess/interfere with the petitioner's in the above said premises and pass such other order or orders as this Hon'ble High Court deemed fit and proper in the circumstances of the case.”

This Court, by order dated 27.01.2016, while ordering notice before admission, granted interim stay subject to the condition of the petitioner depositing Rs.25,00,000/- in two instalments as indicated in the said order.

At the hearing, Mr. N.Sriram Murthy, learned counsel appearing for the petitioner, fairly submitted that his client is unable to comply with the conditions contained in the afore-mentioned interim order.

Inasmuch as the petitioner has committed default in payment of the amounts even as per the conditional interim order, we are not inclined to exercise jurisdiction of this Court under Article 226 of the Constitution of India to interdict the measures taken by the respondent for recovery of the debt, admittedly due by the petitioner.

For the above-mentioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, interim order dated 27.01.2016 is vacated and WPMP.No.2256 of 2016 is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

A.V.SESHA SAI,J

19.07.2016
v v