

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

W.P.No.8697 of 2016

Date : 22-08-2016

Between:

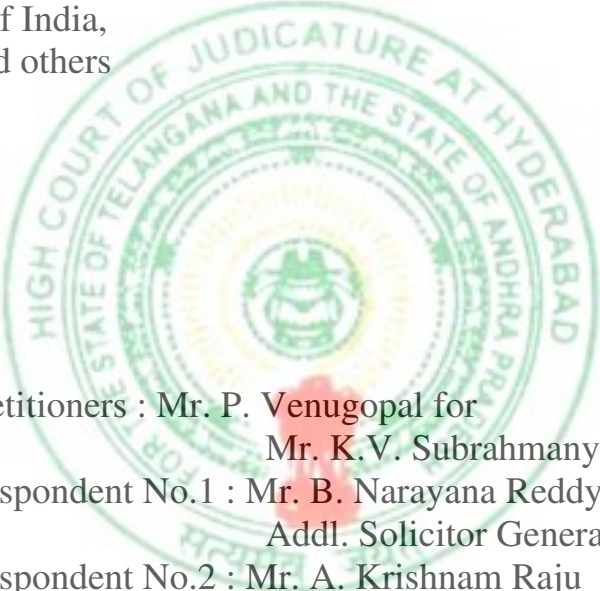
Gadde Sudheer

.. Petitioner

And

The Union of India,
Represented by Under Secretary,
Ministry of Finance,
Government of India,
New Delhi and others

.. Respondents



Counsel for petitioners : Mr. P. Venugopal for
Mr. K.V. Subrahmanya Narsu
Counsel for respondent No.1 : Mr. B. Narayana Reddy,
Addl. Solicitor General
Counsel for respondent No.2 : Mr. A. Krishnam Raju

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 :

“ ... to issue an order or direction more in the nature of writ of mandamus declaring the action of respondent No.2 herein in proceeding with the e-auction sale published in Indian Express daily Newspaper dated 21-1-2016 to be held on 18-3-2016 of the properties belonging to respondents 3 and 4 herein is illegal, arbitrary, unconstitutional and contrary to the provision of Sec. 13(8) of SARFAESI Act and consequently direct the respondent No.2 to consider the representation filed by the petitioner on 11-3-2016 and accept the entire debt amount payable on behalf of respondents 3 and 4 herein and direct to deliver the original sale deeds to the petitioner herein ...”

After arguing the case, when this Court expressed the view that the petitioner being a third party who has no privity of contract with the creditor-Syndicate Bank, cannot maintain this Writ Petition, Mr. P. Venugopal, learned Senior Counsel, requested the Court to permit the petitioner to take return of the amount deposited by him with respondent No.2 in pursuance of order dated 17-3-2016.

Mr. A. Krishnam Raju, learned Standing Counsel for the Syndicate Bank, appearing for respondent No.2, submitted that his client has no objection for return of the amount deposited by the petitioner.

In the light of the above submissions of the learned Counsel for the parties, the Writ Petition is dismissed with the direction to respondent No.2 to return the amount deposited by the petitioner in pursuance of order dated 17-3-2016 within two weeks from today. The dismissal of this Writ Petition however will not come in the way

of the petitioner availing any other appropriate legal remedies available to him in law.

As a sequel to the dismissal of the Writ Petition, WPMP Nos.11022 and 12259 of 2016 filed for interim reliefs are dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Justice G. Shyam Prasad

Date : 22-8-2016

AM

