

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.29918 of 2016

06.09.2016

Between:

Nangunoori Vinod Rao

..Petitioner

And

The Authorised Officer, Andhra Bank, Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.G.V.L.Murthy

Counsel for the respondents: --

The Court made the following:



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

The e-auction sale notice, dated 01.08.2016, issued by respondent No.1 to the extent it pertains to lot No.A-1 admeasuring 1,600 sq. yds. in survey No.330/B/1, Narsampet Village and Mandal, Warangal District, is assailed in this writ petition.

2. The petitioner pleaded that based on a forged document, respondent No.3, claiming ownership, has executed a gift deed in favour of her own husband - Ranga Rao, who in turn, appeared to have mortgaged the property in favour of respondent No.2 in connection with a loan. That as the mortgagor has committed default in repayment of the loan, respondent Nos.1 and 2 have initiated steps for recovery of the loan amount by sale of the mortgaged property. The petitioner further pleaded that on coming to know about the same, he has made a representation on 22.08.2016 to respondent Nos.1 and 2 that fraud was played by respondent No.3 and her husband and that he has never sold the subject property to respondent No.3. The petitioner also pleaded that a criminal complaint was given in this regard.

3. The facts pleaded by the petitioner raise several disputed questions, which cannot be decided by this Court in a writ petition under Article 226 of the Constitution of India, as they need to be adjudicated before a proper *forum* based on the oral and documentary evidence that may be adduced by the parties as to whether the document based on which respondent No.3 has executed the gift deed in favour of her husband was genuine or forged one and whether the title of the petitioner was legally divested in favour of respondent No.3.

4. In the above view of the matter, we decline to entertain this writ petition and the petitioner is relegated to appropriate *forum* for adjudication of the aforesaid disputed questions of fact. The Writ Petition is, accordingly, dismissed.

5. As a sequel to dismissal of the writ petition, W.P.M.P.No.37023 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

06th September, 2016
GHN

