

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.16838 of 2016

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ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner-Educational Society in this writ petition is as under:

'For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ or direction more particularly in the nature of writ of mandamus declaring the action of the 3rd and 4th respondents in illegally taking physical possession of the entire land and buildings there on of an extent of Ac 2-37 cents in Sy No 946, 947, 948 insisted of Ac 0-92 cents situated at Anantharajupeta village , Railwaykodur Mandal , YSR Kadapa District which covered under Regd sale deed bearing document No: 625/2011 which was under mortgage with the respondent bank is illegal, arbitrary, highhanded and cannot be justified in the eye of law and contrary to the proceedings of the 2nd respondent vide D Dis No: 2138 of 2015 dt 12-8-2015 consequently direct the respondents to conduct survey and demarcate the land of Ac 0-92 cents and buildings thereon covered under sale deed bearing document No 625/2011 mortgaged to the Respondent Bank and redeliver the possession of remaining extent of land and buildings in Sy No: 946,947,948 situated at Anantharajupeta village, Railwaykodur Mandal , YSR Kadapa District in the interest of justice and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

As the dispute in the writ petition centred mainly around the extent of land taken over by the respondent-Union Bank of India in pursuance of the proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, it was asked to file a counter clarifying this aspect.

The respondent bank thereupon filed a counter-affidavit, wherein it categorically stated that it had taken possession of the college building constructed on Ac.0.92 cents out of Acs.1.05 cents in Survey Nos.946, 947 & 948 of Anantharajupeta Village, Railwaykodur Mandal, YSR Kadapa District, and that the bank had taken possession of the mortgaged property only which consists of college building premises which were under mortgage.

The panchanama dated 21.05.2016 which is placed on record also reflects that only an extent of Ac.0.92 cents of land along with the college building situated thereon in Survey Nos.947 and 948 of Anantharajupeta Village, Railwaykodur Mandal, YSR Kadapa District, were taken possession of.

In that view of the matter, we make it clear that the respondent bank shall not interfere with the possession and enjoyment of the petitioner-Educational Society over any land or buildings which are not covered under the mortgage which extends to only Acs.0.92 cents of land as detailed hereinabove along with the buildings situated thereon.

The writ petition is disposed of with the above direction.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:10.06.2016

Note:

Furnish C.C. by 13.06.2016.

(B/o)

GJ