

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

THURSDAY, THE TWENTY EIGHTH DAY OF JULY TWO
THOUSAND AND SIXTEEN
(28.07.2016)

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

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.2247 OF 2016

Sai Pranav Automobiles,
6/94, 6/95, 6/96, Moosapet Junction,
Kukatpally, Hyderabad,
Rep. by its Managing Partner,
Butta Shiva Kumar, S/o. Butta Naganna,
Aged 40 years, Plot No.6,
Durga Nagar Colony, Panjagutta,
Hyderabad and two others. --- Petitioners.

And

Union of India,
Rep. by its Secretary,
Department of Finance,
New Delhi and two others. --- Respondents.

Counsel for the petitioners : Ms. N. Niyatha

Counsel for the respondent No.1 : Mr. B. Narayana Reddy,
(Assistant Solicitor General).

Counsel for the respondent Nos.2
and 3 : Mr. B. Praveen Kumar.

This Court made the following:

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

This Writ Petition is filed for issue of *Certiorari* to quash order dated 04.12.2015 in CrI.M.P. No.3658 of 2015 on the file of Chief Metropolitan Magistrate, Hyderabad.

We have heard Ms. N. Niyatha, learned counsel for the petitioners, and the learned counsel representing respondent Nos.2 and 3.

The impugned order was passed by the Jurisdictional Magistrate on the application filed by respondent No.2 for directing delivery of physical possession of the property, a measure envisaged by Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'). The law is well settled that an order passed under Section 14 of the SARFAESI Act is also amenable to the remedy under Section 17 of the SARFAESI Act. Therefore, we do not find any reason for the petitioners not to have availed such a remedy.

Be that as it may, learned counsel for the petitioners submitted that her clients would be satisfied for the present, if they are permitted to make a representation to the respondent No.2, for providing for reasonable time for repayment of the debt, and that further steps, in pursuance of the impugned order, may be deferred till respondent No.2 considers such representation.

This Court, by order dated 25.01.2016, granted *interim* stay of

the impugned order subject to the petitioners depositing a sum of Rs.50,00,000/- in two installments. Learned counsel for respondent Nos.2 and 3 has admitted that this condition was complied with by the petitioners. In these facts of the case, we feel that the interests of justice would be met if the petitioners are permitted to make a representation to the respondent No.2, as prayed for by the learned counsel representing them. They shall make such representation within two weeks from today. Within two weeks thereafter, respondent No.2 shall consider the representation and take appropriate decision. Till this process is completed, no coercive steps shall be taken by respondent Nos.2 and 3. If the petitioners feel aggrieved by the decision that may be taken by respondent No.2, they shall be free to avail the remedy under Section 17 of the SARFAESI Act.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P. Nos.2834 and 10969 of 2016, filed by the petitioners for the *interim* relief and extension thereof, shall stand disposed of as infructuous.

REDDY, J

C.V. NAGARJUNA

G. SHYAM PRASAD, J

Date: 28-07-2016
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AND
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WRIT PETITION No.2247 OF 2016
(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Date. 28-07-2016

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