

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.22424 of 2016

Date:14.9.2016

Between:

P.Vara Lakshmi,

W/o P.Venkata Krishna Murthy and another.

..... Petitioners

And:

The Authorised Officer, Andhra Bank,

Eluru and two others.

....Respondents

Counsel for the petitioners: Mr. M.Venkata Divakar

Counsel for respondent No.1: Mrs. V.Dyumani

Counsel for respondent Nos.2 & 3: GP for Revenue (AP)

The Court made the following:

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

This Writ Petition is filed by for a *Mandamus* to set aside proceedings in D.Dis.No.e-121021/2016/D7, dated 25.6.2016, of respondent No.2, whereunder he has allowed the application filed by respondent No.1 for delivery of physical possession of the secured properties belonging to the petitioners.

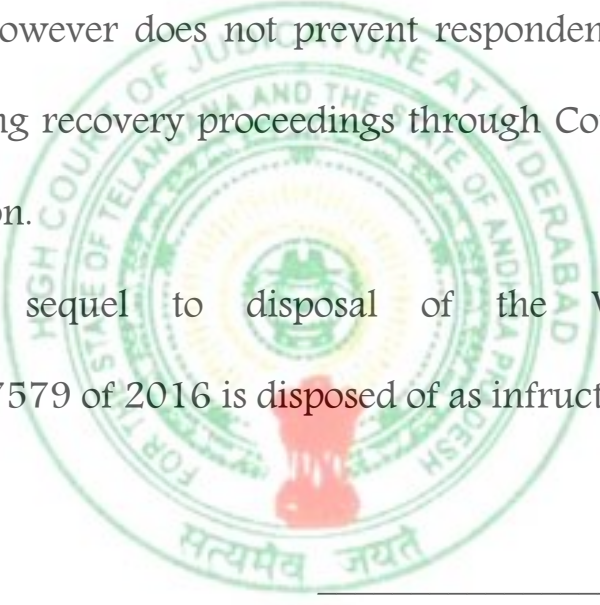
At the hearing, Mrs. V.Dyumani, learned Standing Counsel for respondent No.1-Andhra Bank, did not dispute the fact that earlier, this Court disposed of a batch of Writ Petitions by judgment, dated 12.10.2015, in Writ Petition No.9383 of 2015 and batch, with the direction to the Union of India to take appropriate decision with regard to the relief, if any, to be granted to the Emu farmers. It was further directed that until such decision is taken and communicated to NABARD, the commercial banks, arrayed therein as parties, are restrained from initiating measures to enforce the security interests.

Mr. M.Venkat Divakar, learned counsel for the petitioners, submitted and the same is not disputed by learned Standing Counsel for respondent No.1 that the petitioners have also availed loan for Emu farming and that, their cases are also covered by the afore-mentioned judgment.

In the light of the above, this Writ Petition is disposed of by directing the respondents not to enforce the possession order

and to refrain from taking further steps for recovery of the loan amounts advanced to the petitioners till an appropriate decision is taken by the Government of India as per the directions of this Court, referred to above. It is made clear that as and when a decision is taken by the Government of India and subject to its nature, the respondents shall be free to take further steps under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. This order however does not prevent respondent Nos.1 and 3 from initiating recovery proceedings through Court in order to save limitation.

As a sequel to disposal of the Writ Petition, WPMP.No.27579 of 2016 is disposed of as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

14th September 2016

DR