

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

-
WRIT PETITION NO.15153 OF 2016

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ORDER

(per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case is as under:

'The petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of **WRIT OF MANDAMUS**, declaring the proceedings initiated by the respondent No. 2 Bank in pursuance of possession notice dated: 23.02.2015 U/S. 13 (4) of SARFAESI ACT with regard to the premises bearing Flat No. 404, Fourth Floor, Meher Home, Cherukuthota Colony, Saroornagar Village and Revenue Mandal, Ranga Reddy District, is illegal, arbitrary, unreasonable and violation of Articles 14, 19 and 21 and 300 of Constitution of India, and violation of the principles of natural justice and consequently set aside the same as illegal in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.'

By order dated 28.04.2016, this Court granted four months time to the petitioner to vacate the premises making it clear that the bank would be in constructive possession even during this period. This Court also made it clear that the petitioner shall pay to the bank a sum of Rs.10,000/- per month towards usage and occupation during this four months period and that the said amounts would be adjusted towards the secured debt as part payment. This Court also granted liberty to the bank to take physical possession in the event the petitioner failed to pay the amount or failed to vacate the premises within the stipulated four months period without further reference to the Court.

In the light of the aforestated order, the cause in this writ petition no longer survives for consideration on merits. Sri J.Ravindra, learned counsel for the petitioner, is also agreeable to the closure of the case in the light of the aforestated order.

The writ petition is accordingly closed. Pending miscellaneous petitions shall also stand closed. No order as to costs.

SANJAY KUMAR, J

DR. B.SIVA SANKARA RAO, J

1ST JUNE, 2016
PGS