

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO.17530 OF 2016

DATED:22-08-2016

Between:

M/s. Sunmax Htacheries Pvt. Ltd.,
Rep. by its Managing Director
Mr. Nimma Narsimha Reddy
Hyderabad ... Petitioner

And

The Canara Bank
Rep. by its Chief General Manager
Abids Main Road
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. G.V. Shivaji

COUNSEL FOR THE RESPONDENTS: Mr. S. Lakshmikanth,
for Mr. Deepak Bhattacharjee

-

THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for the following substantive relief:

"...to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the 2nd and 3rd respondents in initiating proceedings under SARFAESI Act for recovery of loan dues against the agricultural lands of the petitioner, in spite of specific bar contained in Section 31 of the Act and further action in issuing auction notification dated 23-02-2016 for auctioning the agricultural lands of the petitioner, including poultry situated therein in Sy.Nos. 7, 8, 9, 10, 5/A, 6/A, 14 & 15/A, Dasarlapally Village, Mulugu Mandal, Medak District, as highly illegal, arbitrary and without jurisdiction and contrary to SARFAESI Act, consequently set aside the same."

At the hearing, Mr. S. Lakshmikanth, learned counsel representing Mr. Deepak Bhattacharjee, learned counsel for the respondents, submitted that during the pendency of this writ petition, in pursuance of the auction notification, auction was held and the sale has also been confirmed. In view of these subsequent events, the cause on which the writ petition was filed, has become infructuous.

The writ petition is accordingly dismissed, however, with liberty to the petitioner to avail appropriate legal remedies under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, if it feels aggrieved by the above noted subsequent actions taken by the respondents.

As a sequel to dismissal of the writ petition, W.P.M.P. No.21538 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

22-08-2016

bnr

