

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

**and**

**The Hon'ble Sri Justice G.Shyam Prasad**

**Writ Petition No.29423 of 2016**

**Date: 01.09.2016**

**Between:**

Anand Rajnikanth Gadhia

**..Petitioner**

**and**

State Bank of India  
SAM Branch, Secunderabad  
rep. by its Authorised Officer

**..Respondent**

**Counsel for the Petitioner: Mr.Vedula Srinivas**

**The Court made the following:**



**Order:** (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a Mandamus to declare the inaction of the respondent in registering the Sale Certificate, dated 17-03-2016, issued under Rule 9(6) of the Security Interest (Enforcement) Rules, 2002, and the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in favour of the petitioner in relation to the property bearing Plot Nos.22 and 23 in Survey No.195 admeasuring 480 square yards (399 sq.mts) and building No.6-3-864/4 at Ameerpet, Hyderabad, and also the failure of the respondent to handover physical possession of the said property to the petitioner, as illegal and arbitrary.

Mr.Ambadiupudi Satyanarayana, learned Counsel for the respondent, submitted that while his client has no objection for handing over physical possession of the property sold to the petitioner, the principal borrower approached the Court of the Chief Judicial Magistrate, which has earlier issued warrant for delivery of possession in favour of the respondent, and that at his instance, the Chief Judicial Magistrate has kept the warrant in abeyance.

Mr.Vedula Srinivas, learned Counsel for the petitioner, denied the above submission.

The learned Counsel for the respondent further submitted that the respondent has filed a Writ Petition questioning the said order of the Chief Judicial Magistrate and that the same is pending.

The above facts would reveal that in spite of *bona fide* intention on the part of the respondent in seeking to handover physical possession of the property to the petitioner, it is prevented by the circumstances beyond its control.

The petitioner is entitled to avail appropriate remedy after disposal of the Writ Petition stated to have been filed by the respondent against the order of the Chief Judicial Magistrate or after passing of an appropriate order by the Chief Judicial Magistrate in the proceedings pending before him, if the respondent has not handed over possession of the property to him.

Subject to the liberty given to the petitioner as above, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.36431 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

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(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 1<sup>st</sup> September, 2016  
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