

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

WRIT PETITION No.25706 of 2016

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Date: 17.08.2016

Between:

Smt. Kaja Janaki,
Prop. of M/s. Vigneswara Enterprises,
D.No.26-11-3/1, Hindi Street,
Gandhi Nagar, Vijayawada, and another

.. Petitioners

and

Debts Recovery Tribunal,
Visakhapatnam,
Rep. by its Registrar, and another.

.. Respondents

Counsel for the petitioners: Sri T.M.K. Chaitanya

Counsel for respondent No.1 : --

Counsel for respondent No.2 : Sri M.V.K. Viswanadham

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The Court made the following:

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

This writ petition is filed for the following substantive relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ, Order or Direction in the nature of Mandamus or otherwise declaring the non-consideration of the representation of the petitioner dt. 24-3-2016 as violation of the guidelines issued by the Reserve Bank of India, against principles of natural justice, violation of Article 14 of the Constitution of India and is non est in law and consequentially set aside the notice under Sec. 13(4) of the SARFAESI Act and E-Auction Sale Notice dt. 22-2-2016 of the 2nd respondent, while directing the 2nd respondent to consider the representation dt. 24.3.2016 of the petitioners and pass such other order or orders may deem fit and proper in the circumstances of the case.”

On 02.08.2016, this Court has passed the following order:

“In ordinary course, we would have dismissed this Writ Petition, but for the statement made by the learned Counsel for the petitioners that the latter are prepared to deposit the entire balance amount as per the statement of account furnished by respondent No.2 within two weeks from today.

In view of the peremptory submission of the learned Counsel for the petitioners, issue notice to respondent No.2.

Personal service is permitted.

Post on 17.08.2016.

There shall be stay of dispossession of the petitioners from the property in question in pursuance of Order, dated 15.03.2016, in CrI.M.P.No.1039 of 2016 in C.F.No.348 of 2016 on the file of the Chief Metropolitan Magistrate, Vijayawada, till the next date of hearing subject to the petitioners paying the entire balance amount to respondent No.2 on or before 16.08.2016.”

At the hearing, Sri T.M.K. Chaitanya, learned counsel for the petitioners, submitted that after the aforementioned order was passed, the Debts Recovery Tribunal has passed an interim order in the Securitization Appeal filed by the petitioners.

In the light of this subsequent event, we are not inclined to adjudicate this Writ Petition on merits.

The Writ Petition is accordingly dismissed with liberty to the petitioners to pursue the said appeal.

As a sequel, interim order dated 02.08.2016 is vacated and W.P.M.P.No.31769 of 2016 is disposed of as infructuous.

(C.V.NAGARJUNA REDDY, J)

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(G. SHYAM PRASAD, J)

Date: 17.08.2016

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