

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No.34417 of 2016

Between:

1. Rachamalla Suresh and another.

PETITIONERS

And

1. Assistant General Manager & Authorised Officer, Andhra Bank,
Kapra Sainikpuri Branch, Secunderabad, and another.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

Heard Mr. K. Srinivas, learned counsel for the petitioners and Sri V. Raghu, learned counsel for the respondents.

2. The petitioners came up with the above writ petition challenging the possession notice issued under section 13 (4) of the SARFAESI Act.

3. On 6.10.2016 when the writ petition came up for orders as to admission, the vacation Bench passed the following interim order.

“Notice before admission.

Learned counsel for the petitioners is permitted to take out personal notice to respondent Nos.1 and 2 by registered post with acknowledgement due and file proof of service.

Learned counsel for the petitioners submitted that though the petitioners/borrowers gave a letter to the Andhra Bank requesting time for payment of the due amount, the respondents are trying to interfere with the possession of the secured assets.

Learned counsel for respondent-Bank stated that Bank has already issued possession notice on 28.09.2016.

Having regard to the facts and circumstances of the case, the respondents are directed not to take any coercive steps subject to payment of 50% of the amount due to the Bank by the petitioners on or before 21.10.2016, failing which, the interim order shall stand vacated automatically.

Post on 21.10.2016.”

4. When the writ petition again came up on 21.10.2016, the counsel for the petitioners sought one extension. Therefore time was extended up to 04.11.2016 to comply with the order. The order passed by us on 21.10.2016 reads as follows:

“The conditional interim order granted on 06.10.2016 has not been complied with so far. Today is last date.

The learned counsel for the petitioners states that if one extension is granted, the petitioners will comply with the conditional order. He requests two weeks time.

Therefore, time is granted to the petitioners up to 04.11.2016 to comply with the conditional order. If the conditional order is not complied with, the interim stay will stand automatically vacated, without reference to this Court, and it will be open to the Bank to immediately take possession."

5. It is stated today that even within the extended time, the petitioners could not comply with the conditional order. Therefore, the writ petition is dismissed, leaving it open to the petitioners to agitate their rights before the Tribunal. There shall be no order as to costs.

6. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE U. DURGA PRASAD RAO

7th November, 2016
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No.34417 of 2016



Date: 07-11-2016

Js.