

**THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD**

WRIT PETITION No.32857 OF 2016

ORDER: (Per Hon'ble Sri Justice V.Ramasubramanian)

Petitioner, who was a tenant in respect of the mortgaged property, has come up with the present writ petition challenging an order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the Act).

2. Heard Mr.B.Chandrasen Reddy, learned counsel for the petitioner and Mr.Sravan Kumar, learned counsel for first respondent bank.

3. The only ground on which the petitioner challenges the order under Section 14 of the Act is that even admittedly the fifth floor of the premises as well as the moveable properties lying thereon are not mortgaged or hypothecated to the bank. Learned counsel for the bank agrees that the fifth floor is not mortgaged to the bank and that the moveable properties are also not mortgaged.

4. Originally learned counsel for the bank took a stand that the moveable properties have been handed over. When we directed panchanama to be produced, learned counsel for the bank produced the panchanama and conceded the fact that the moveable properties have not been taken by the petitioner.

Therefore, there is no dispute about the entitlement of the petitioner to have possession of the fifth floor of the premises and the moveable properties lying in the premises.

5. Hence, the writ petition is disposed of directing the first respondent bank to handover to the petitioner, the fifth floor which is admittedly not under mortgage and the moveable properties which are not under hypothecation to the bank. No costs. Miscellaneous petitions pending, if any, shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 08.12.2016.
TJMR

