

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

WRIT PETITION No.32019 of 2016

DATE: 22.09.2016

Between:

Alluri Bhanu Prakash Varma

....Petitioner

and

Andhra Bank and another

....Respondents

COUNSEL FOR THE PETITIONER : Mr. Rajagopallavan Tayi

COUNSEL FOR RESPONDENT No.1 : Mrs. V. Dyumani

COUNSEL FOR RESPONDENT No.2 : ----



**THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
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WRIT PETITION No.32019 of 2016**

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

Petitioner, who claims to be the victim of fraud allegedly committed by respondent No.2, filed this writ petition feeling aggrieved by notice, dated 20.08.2016 issued by respondent No.1 under Rule 6(2)/8(6) of the Security Interest (Enforcement) Rules, 2002.

Mr. Rajagopallavan Tayi, learned counsel for the petitioner submitted that respondent No.2 committed serious fraud on the petitioner and also against similarly situated persons by collecting the original title deeds, mortgaging the same with respondent No.1 and availing several loans in the names of the owners of the properties such as the petitioner and that on coming to know about the same, the petitioner has lodged FIR before the police, who are investigating into the crime. He further submitted that on being apprised of the fact by respondent No.2, respondent No.1 itself has lodged a police report and that there upon, the CBI has been investigating into the scam indulged in by respondent No.2.

Mrs. V.Dyumani, learned counsel representing respondent No.1 submitted that as per her instructions, the petitioner has approached respondent No.1 with a request for One Time Settlement and that no decision has been taken by respondent No.1 as yet. She

further submitted that as of now, only possession notice has been given and that so far, auction notification has not been issued and that if the petitioner so chooses, he can submit a representation to respondent No.1 on the alleged fraud.

The issues raised by the petitioner require a detailed enquiry. The Writ Petition under Article 226 is not a proper remedy for undertaking such enquiry. However, since there is no immediate threat of either dispossession or sale of the property, the petitioner is permitted to submit a detailed representation along with relevant material in support of the allegation of fraud committed by respondent No.2, to respondent No.1, within one week from today. On receipt of such representation, respondent No.1 shall consider the same, take appropriate decision and communicate the same to the petitioner. Till this process is completed, respondent No.1 shall not take further steps in pursuance of the impugned possession notice.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of Writ Petition, WPMP.No.39600 of 2016 filed by the petitioner stands disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

22nd SEPTEMBER, 2016.

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