

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

TUESDAY, THE SIXTH DAY OF OCTOBER,
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WP .NO: 11255 of 2015

Between:

- 1 Koppuravari Siva Pulla Rao, S/o Sri Bala Gurunadham,
- 2 Smt. Koppuravuri Venkata Lakshmi Swarajyam, W/o Sri K. Siva Pulla Rao,

...Petitioners

AND

- 1 M/s Tamilnadu Mercantile Bank Ltd., rep. by its Authorised Officer/Branch Manager, Guntur Branch, Chaparala Vari Veedhi, Patnam Bazaar, Guntur.
- 2 Sri Potti Brahmanandam S/o Sri Punna Rao, R/o. at D. No. 12-25-31, Near Bose Bomma, Kothapeta, Guntur.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the impugned action of the respondent Bank in demanding possession from us pending the adjudication of the issues involved in O.P. No. 197 of 2011 on the file of the Debts Recovery, Tribunal, Visakhapatnam is arbitrary, illegal, capricious, high handed, violate the fundamental rights guaranteed to the petitioners herein under Articles 14, 21 and the guarantee under Article 300-A of the Constitution of India apart from being in violation of the principles of natural justice and fair play and consequently direct the respondent Bank to drop the proceedings in O.P. No. 197 of 2011 on the file of the Debts Recovery, Tribunal, Visakhapatnam against the petitioners and further direct the respondent Bank not to interfere with the peaceful physical possession and continuous enjoyment of the petitioners in respect of their only residential premises bearing House No.25-12-54/1, 6/1, Srinivasa Rao peta, Guntur in any manner whatsoever.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 22-04-2015 & 04-06-2015 made in WPMP No.14878 of 2015 in WP No.11255 of 2015 and upon hearing the arguments of Sri T.S. Anand, Advocate for the Petitioners and M/s. King & Partridge, Advocate for Respondent No.1, the Court made the following

ORDER:

Though notice is served on the 2nd respondent, there is no appearance on behalf of him.

It is represented by the learned counsel for petitioners that the Demand Draft deposited before the Debts Recovery Tribunal, Visakhapatnam, for an amount of Rs.8,50,000/- is returned and the petitioners have to seek revalidation and deposit the same.

Petitioners are permitted to revalidate the said Demand Draft and submit the same within two weeks from today. The 1st respondent shall accept the same, which shall be subject to further orders to be passed in this Writ Petition.

Post after Dasara Vacation, 2015.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Authorised Officer/Branch Manager, M/s Tamilnadu Mercantile Bank Ltd., Guntur Branch, Chaparala Vari Veedhi, Patnam Bazaar, Guntur.
- 2 Sri Potti Brahmanandam S/o Sri Punna Rao, R/o. at D. No. 12-25-31, Near Bose Bomma, Kothapeta, Guntur.
- 3 One CC to Sri **T.S. Anand**, Advocate (OPUC)
- 4 Two spare copies.

nnr

HIGH COURT

**RSR,J
&
ASN,J**

DATED: 06-10-2015

NOTE: Post after Dasara Vacation, 2015

ORDER

W.P.NO. 11255 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 12-10-2015

**RSR,J
&
ASN,J**

DATED: 06-10-2015

NOTE: Post after Dasara Vacation, 2015

ORDER

W.P.NO. 11255 OF 2015

DIRECTION