

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD**

WRIT PETITION No. 1502 OF 2017

ORDER : (per Hon'ble Sri Justice G. Shyam Prasad)

This Writ Petition has been filed seeking a *mandamus* declaring the action of Respondents 1 and 4 in taking physical possession of the residential properties of the petitioners, who are guarantors, on 06.01.2017, despite the order dated 05.01.2017 of this Court in Writ Petition No. 454 of 2017, as illegal and arbitrary.

The case of the petitioners is that this Court, while dismissing Writ Petition No. 454 of 2017, observed that 'if the petitioners make a representation to the 1st respondent bank establishing their *bona fides* by making the payment, the bank may consider their request for postponement of taking possession'. Pursuant to the said order, though they have approached the 1st respondent bank for making payment, the latter did not consider their request, is what the main grievance of the petitioners in this Writ Petition.

Learned Standing Counsel Sri B. Hanumantha Rao, on instructions, however, submits that the petitioners have never approached the bank.

Sri Janardhana Reddy Ponaka, learned counsel for the petitioners submits that their clients are ready to deposit an amount of Rs.6 lacs.

In that view of the matter, the petitioners are directed to deposit the said amount within one week from today. On such deposit, the physical possession of the premises shall be handed

over to the petitioners. It is, however, made clear that the same shall be subject to the further orders that may be passed in S.A. No. 26 of 2014 on the file of the Debts Recovery Tribunal at Hyderabad. In the meantime, the other proceedings are stayed.

With this, the Writ Petition stands disposed of. No costs.

The learned Standing Counsel shall inform the bank authorities the order now passed.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

G. SHYAM PRASAD, J

11th January 2017

Ksld/kdl

