

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.16325 of 2016

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, questioning the action of the respondent bank in rejecting the OTS application of the petitioner dt. 06.05.2016 served on the petitioner on 11.5.2016 at 4.30 pm contrary to the orders passed by this Hon'ble Court in WP No. 33216 of 2015 dt. 7.2.2016 including appointment of advocate commissioner for taking possession of the petitioner house bearing No. 1-1-5/G in SDy No. 1181 admeasuring 17 gts situated at Kodangal-Tandur PWD Road, Kodangal Village and Mandal, Mahaboobnagar District in connection with the outstanding loan amount of Rs.12,64,952.09 paise is illegal and avoid and opposed the Article 14, 19, 21 and 300-A of Constitution of India including the provisions of the Securitization Act and Rules thereunder by setting aside the same and consequently to direct the respondent bank authorities to follow the procedure contemplated under Section 13 (8) of the Securitization Act and to pass such other order or orders in the interest of justice and pass such other order or orders as this Court may deem fit and proper in the interest of justice.'

By order dated 12.05.2016, this Court directed as under:

'As the petitioner seems to have strived to comply with the order dated 07.02.2016 passed by this Court in W.P.No.33216 of 2015 and as it is the claim of the petitioner that her account has not been reconciled despite her representation, there shall be an interim direction as prayed for subject to the petitioner depositing a sum of Rs.4,00,000/- (Rupees Four Lakhs only) within two weeks from today to the credit of her loan account with the respondent-Bank and a further sum of Rs.4,00,000/- (Rupees Four Lakhs only) within two weeks thereafter.'

However, when the matter was taken up on 06.07.2017 after several adjournments, Sri B.S.S.Prasad, learned counsel for the petitioner, conceded that the conditional order dated 12.05.2016 was not complied with in its entirety but stated that if two weeks time was given, the petitioner would clear the entire outstanding dues of the State Bank of Hyderabad. Recording the said statement, this Court observed that failure to do so would entail dismissal of the writ petition and accordingly adjourned the case to 21.07.2017.

Today, Sri V.V.Ramana, learned counsel representing Sri E.Madan Mohan Rao, learned panel counsel for the State Bank of Hyderabad, would state that the petitioner did not clear her dues as undertaken by her on 06.07.2017.

Sri B.S.S.Prasad, learned counsel, would again seek leave of the Court to enable the petitioner to approach the bank for a One Time Settlement (OTS) of her dues.

In the light of the sequence of events as set out supra, we are of the opinion that no further indulgence can be shown to the petitioner. No illegality is pointed out in the rejection of the OTS application of the petitioner which is the subject matter of challenge in this writ petition.

The writ petition is accordingly dismissed.

Interim order dated 12.05.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:21.07.2017

GJ