

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION NO.44167 OF 2016

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

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

To issue a Writ of Mandamus or other appropriate order or direction in the nature of a Writ declaring the action of the respondent in seizing the factory of the petitioner under the orders of the 2nd respondent dated 14-08-2016 and 02-09-2016 passed against respondents 5 & 6 to take possession of their properties in S.Nos. 19/AA, 92/AA and 93/AA of Bandlaguda village, Ramachandrapuram Mandal, Medak District as arbitrary, discriminatory, without jurisdiction and violative of Articles 14, 19 (1)(g) and 300A of the Constitution of India and principles of natural justice and consequently direct the respondents to open the factory of the petitioner and not to interfere with the business of the petitioner in the interest of justice and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.'

By order dated 21.12.2016, this Court directed the Tahsildar, Ramachandrapuram Mandal, Medak District, to visit the two properties described in the schedule to the order of the District Collector dated 02.09.2016, identify the boundaries, and hand over possession of the two properties to the 4th respondent bank. This Court also observed that if there is any property other than the properties described in the schedule to the order of the District Collector, dated 02.09.2016, the 4th respondent bank is not entitled to take possession of the same and the Tahsildar was directed to carry out the exercise within a period of one week, so that the properties other than those mortgaged are not taken possession of.

The Tahsildar, Ramachandrapuram Mandal, Medak District, is stated to have carried out the exercise in terms of the aforestated order on 30.11.2016 under cover of a panchanama.

Sri B.Nalin Kumar, learned counsel for the petitioner, states that by virtue of such exercise having been undertaken, his client's grievance stands settled.

Sri Maganti Satyanarayana, learned counsel for IDBI Bank Limited, would however assert that the bank has various grievances as to the manner in which the Tahsildar, Ramachandrapuram Mandal, Medak District, undertook the exercise pursuant to the order passed in this writ petition.

We are of the opinion that once the petitioner's grievance stands settled, it is not open to the 4th respondent bank to seek redressal of its grievance, if any, in this writ petition. Leaving it open to the 4th respondent bank to invoke appropriate remedies in accordance with law in relation to its alleged grievance, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

10th JULY, 2017

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