

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

WRIT PETITION NO.9134 OF 2017

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed with the following prayer:

'It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders or Directions to declaring the action of the Respondents 3 & 4 in trying to issuing e-auction notice to the petitioner accounts as non performing assets (NPA) which is defaulted by the 5th respondent old accounts prior to 22-12-2016 without following the due procedure under law under RBI Guidelines without giving any show cause notice to the petitioner as highly illegal, arbitrary and contrary to law and statutes, violation of Article 14, 21, 300 (A) of the Constitution of India and violation of 12 & 13 of the SARFAESI Act 2002 along with its allied rules, Section 21, & 35-A of the Banking Regulation Act, 1949, Section 22 of Recovery of Debts Due to the Banks and Financial Institutions Act 1993 and consequently direct the respondent 3 & 4 not to take any coercive steps against the petitioner industry i.e. SUPERRON COIR PRODUCTS PVT LTD., Nandigam (MD), Srikakulam and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.'

Perusal of the affidavit filed in support of the writ petition reflects that the cause for approaching this Court was the alleged action of the Andhra Bank in 'trying to issuing e-auction notice to the petitioner accounts as non performing assets'. No material is placed before this Court in evidence of the Andhra Bank having initiated any proceedings against the petitioner. It appears that the

writ petition was filed on a mere apprehension and no cause of action had materialized as on the date of institution of this writ petition.

The writ petition is accordingly dismissed on this short ground leaving it open to the petitioner to invoke appropriate remedies in accordance with law if and as and when cause of action arises. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

7th JUNE, 2017

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