

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 12781 of 2017

ORDER:

Petitioner-Bank filed the present writ petition challenging the action of respondent Nos.1 and 2 in not releasing the property which was mortgaged in its favour by respondent No.3 from the purview of the interim attachment order passed by respondent No.1 under G.O.Ms.No.119, dated 01.11.2016, under the provisions of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (for short 'the Act').

On the request made by the petitioner, respondent No.1 issued a Memo, dated 09.01.2017, enclosing a copy of the representation, requesting the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, to take necessary action for modification of the orders issued in G.O.Ms.No.119, dated 01.11.2016.

Now, a counter-affidavit is filed by the Additional Superintendent of Police, Crime Investigation Department, Regional Officer, Kurnool, stating that pursuant to G.O.Ms.No.119, dated 01.11.2016, the Additional Director General of Police already filed an affidavit before the Principal District Judge-cum-Special Court, Kurnool to make ad-interim attachment order absolute, in Crl.M.P.No.87 of 2017, which is pending before the said Court. The said petition was filed in respect of all the properties of respondent No.3 including the property mortgaged in favour of the petitioner and in view of pendency of Crl.M.P.No.87 of 2017, the petitioner may file

appropriate petition or objection petition before the said Court so as to enable it to pass orders pursuant to the Memo, dated 09.01.2017.

Learned Government Pleader for Home submits that the petitioner has an independent right under Section 10 of the Act to move the Court concerned.

The prayer made in the present writ petition is also for raising the attachment in respect of the property mortgaged in favour of the petitioner.

In view of the same, without examining the merits of the case, the writ petition is disposed of giving liberty to the petitioner to file an appropriate petition in the pending Crl.M.P.No.87 of 2017 for raising attachment of the property mortgaged in its favour, if it is entitled for the same. It is for the competent Court to examine the same on merits and pass appropriate orders in accordance with law as expeditiously as possible, but not later than three months from the date of filing of such petition.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:19.04.2017

Note: Issue cc in one week.

(B/o)

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