

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

WRIT PETITION No. 37498 of 2015

ORDER: (*per Hon'ble Sri Justice Sanjay Kumar*)

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

“For the reasons stated in the accompanying affidavit the petitioner prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of *WRIT OF MANDAMUS* declaring the action of respondents 1 and 2 initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 over the petitioner's house and site property bearing Door No.11-12-6(1) in spite of entire loan amount was paid, is illegal, irregular and without jurisdiction and violation of principles of natural justice and violative of provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and offends Articles 14, 21 and 300-A of the Constitution of India and consequently direct the 2nd respondent to revoke the proceedings initiated under the said act against his house and site property and release the same from the mortgage in favour of the petitioner and pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Respondents 1 and 2 herein, the Andhra Bank, filed a counter affidavit through its Manager at Chirala Branch, Prakasam District, wherein it is stated that proceedings had been initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by affixing a notice to the premises which was under mortgage but not to the property standing in the name of the petitioner with the same house number bearing Door No.11-12-6(1) at Old Municipal Ward No.2, present Ward No.11, Annadatavari Street, Perala Village, Chirala Town and Mandal, Prakasham District.

In the light of the aforesaid categorical stand of the Andhra Bank, Sri Naga Praveen Vankayalapati, learned counsel, states that the apprehension of the petitioner that the Bank was proceeding against the premises in his occupation stands settled.

Recording the statement made by the Andhra Bank in the counter affidavit, the Writ Petition is closed. Pending Miscellaneous Petitions shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 19.07.2017

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JUSTICE GUDI SEVA SHYAM PRASAD

