

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT PETITION NO.42286 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 the petitioner pray that this 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 in issuing possession notice dated 10-10-2016 and sale notice dated 12-11-2016, without considering the petitioner's request by way of two legal notices dated 23-07-2016 and 18-10-2016 by which the petitioner prepared to pay instalment dues and regularize the defaulted account, as illegal, irregular, irrational and violative of the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and rules framed there under and offends articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to dispossess the petitioner nor sell the secured property and to pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

By order dated 06.12.2016, this Court taking note of the fact that the subject loan was a housing loan, granted interim stay of the proposed sale subject to the condition that the petitioner deposited the arrears of instalments, being 16 equated monthly instalments, within four weeks. Thereafter, by order dated 11.01.2017, this Court extended the time stipulated for compliance by the petitioner.

However, it is admitted before us that the petitioner failed to abide by the condition imposed by this Court while granting interim protection to him. In the meanwhile, owing to the stay order, the impugned sale notice dated 12.11.2016 issued by the State Bank of Hyderabad came to naught and it would not be open to the bank to proceed further on the strength of such sale notice. We therefore find no reason to adjudicate this writ petition on merits.

The writ petition is accordingly dismissed. All issues are left open. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

J.UMA DEVI ,J

Date:13.11.2017

GJ