

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Petition No.30051 of 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This writ petition is filed seeking a mandamus to set aside the proceedings initiated by the 1st respondent, pursuant to the notice dated 5.7.2012 issued under the SARFAESI Act, against the petition schedule property. The possession notice dated 5.7.2012 issued by the 1st respondent is under challenge in this writ petition.

Both the petitioners herein had earlier filed W.P. No. 12252 of 2017 seeking a direction to set aside the proceedings in Crl. M.P. No. 863 of 2016 dated 6.2.2017 issued by the Chief Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar, initiated by the 1st respondent pursuant to the notice dated 5.7.2012, and in seeking to obtain forcible possession, as arbitrary and illegal.

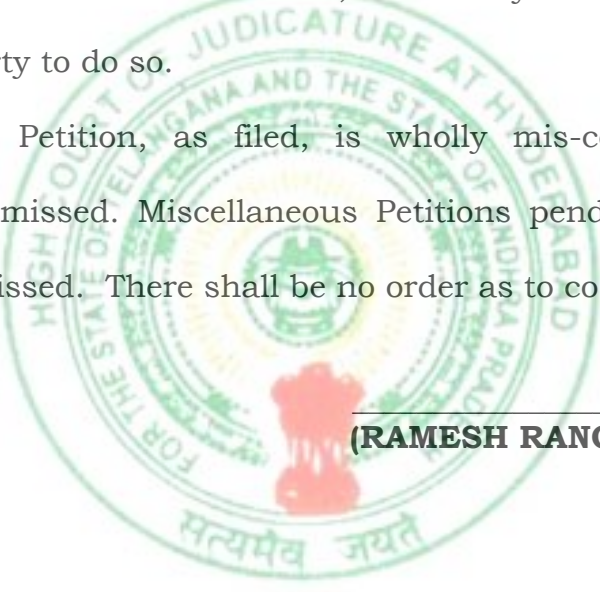
By its order dated 4.7.2017, a Division Bench of this Court disposed of W.P. No.12252 of 2017 permitting the petitioners to make good the outstanding arrears of Rs.2,23,076/-, by paying 50% thereof within four weeks, and the balance within four weeks thereafter. On the aforesaid deposits being made, the respondent-company was directed to regularize the subject loan account. The Division Bench made it clear that the impugned order dated 6.2.2017 shall be kept in abeyance and, in the event the petitioners failed to make the deposits in terms of the order, the respondent-company was at liberty to proceed with the matter from that stage. Symbolic possession of the property was directed to remain with the respondent-company till compliance of the order.

The present writ petition has been filed seeking to set aside the proceedings initiated by the 1st respondent pursuant to the notice dated

5.7.2012. The prayer in this Writ Petition is identical to the prayer sought in W.P. No. 12252 of 2017. In effect, the petitioners seek review of the order in W.P. No. 12252 of 2017 dated 4.7.2017. It is impermissible for a Division Bench of this Court, in collateral proceedings, to sit in appeal over the order passed by a co-ordinate Bench.

Sri D.Venkata Ramana Sarma, learned counsel for the petitioners, requests that liberty be granted to seek review of the order, passed by the Division Bench, in W.P. No.12252 of 2017 dated 04.07.2017. As it is always open to the petitioners to seek review of the said order in accordance with law, it is wholly unnecessary for us to grant them liberty to do so.

The Writ Petition, as filed, is wholly mis-conceived and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

6th September, 2017

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Date: 6.9.2017

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