

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

WRIT PETITION NO.26964 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 herein prays that this Court may be pleased to issue the Writ order or Direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in conducting e-auction to be held on 22-08-2016 under the provisions of Securitization Act No.54 of 2002 in respect of property of vacant land of an extent of 82.8 sq.yards in RS No.65/A, Flat No.15P, near by D.No.76-3-11/D in Bhavanipuram, within the limits of Vijayawada Municipal Corporation belongs to the petitioner ignoring the civil suits and orders therein apart from proceedings of Executive Magistrate under Sec.145 Cr.P.C as arbitrary, illegal and capricious and consequently direct the respondents 1 to 3 not to proceed against the subject property of the petitioner to recover the loan from the respondents 4 to 6 and pass such other orders as may be deem fit and proper in the circumstances of the case.'

The Bank of India filed its counter, wherein it categorically stated that the property mortgaged with it by M/s.Sri Sri Sai Baba Glass Ware Stores, Vijayawada, respondent No.4, and its officials, respondent Nos.5 and 6, is an extent of 82.5 square yards situated in Plot No.15 at Ashram Street, Vijayawada, which is altogether different from the property purchased by the petitioner.

Sri Sai Gangadhar Chamarty, learned counsel for the petitioner, would state that in the light of this averment made by the Bank of India in its counter, the writ petition can be closed recording the same.

The writ petition is accordingly disposed of taking on record the stand of the Bank of India as aforestated.

Interim order dated 11.08.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

J.UMA DEVI ,J

Date:01.11.2017
GJ

