

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.22926 of 2017

ORDER: (per SK,J)

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

'For the reasons stated in the accompanying affidavit in support of writ petition the petitioner herein prays that this Hon'ble Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in invoking the provisions under SARFAESI Act, 2002 against the petitioner's property in Sy.No.976, Ward No.8 (Old) 21 (New) 28 present admeasuring 3495.91 Sq.yards situated at Anantapuram at A.P. towards realization of loan amount vide A/c. BG402506091000030 as illegal, arbitrary in violation of principles of natural justice and in violation of Art.14 of the Constitution of India and consequently direct the 2nd respondent to execute Registered Receipt discharging the petitioner's liability under Reg. Document No.4566/2009 dt:17-06-2009 on the file of the Joint Sub-Registrar Office, Anantapuram in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

By way of his interim prayer, the petitioner sought stay of the auction proposed to be held by the Vijaya Bank on 24.07.2017 in respect of his property.

Sri Maruthi Jadhav, learned counsel representing Sri B.S.Prasad, learned counsel for the Vijaya Bank, would inform this Court that the petitioner was the guarantor for the loan secured by M/s.Sai Siddhartha Reddy Engineers and Contractors Private Limited, Hyderabad, and his property was never put to auction. He would further state that the principal borrower, M/s.Sai Siddhartha Reddy Engineers and Contractors Private Limited, Hyderabad, closed its loan account on 24.01.2018 under a One Time Settlement. Certificate dated 06.02.2018 stating to this effect

issued by the Assistant General Manager of the Vijaya Bank, Hyderabad, is placed on record.

In the light of the aforestated development, the cause in this writ petition does not survive for consideration on merits.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:12.02.2018

GJ

