

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.6375 of 2018

ORDER: (per SK,J)

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

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4 harassing the petitioners and making attempts to take coercive steps by seizing the JCB Vehicle Model No. PUNJS81BTG2426935 Engine No.4H2188/1620205 even though without following the procedure as contemplated under SARFAESI Act either by issuing notice of demand or for possession as law laid down under movable 13 (2) and 13 (4) of the said Act and in violation of the law and procedure and principles of natural justice and consequently directing the respondents not to seize the petitioner vehicle without following due process of law as law laid down in the interest of justice and to pass such other order or orders that the Hon'ble Court may deem fit and proper in the interest of justice.'

By order dated 27.02.2018, this Court directed HDB Financial Services Limited, Visakhapatnam, the second respondent herein, to strictly follow the due procedure, in the event it wishes to seize/take possession of the hypothecated vehicle.

Sri R.Siva Sai Swaroop, learned counsel for the petitioners, filed Memo dated 13.06.2018 stating that after the passing of the aforestated interim order, the second respondent appointed an Arbitrator in connection with the dispute which is the subject matter of the writ petition.

In the light of the aforestated development, Sri R.Siva Sai Swaroop, learned counsel, would state that his clients are no longer desirous of pursuing this writ petition.

Recording the said statement, the writ petition is closed leaving all issues open to be adjudicated in the arbitration proceedings. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR,J

Date:13.06.2018

GJ

T.AMARNATH GOUD,J

