

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.5477 of 2008

ORDER:

This writ petition is filed by the petitioners seeking writ in the nature of Mandamus to declare the action of the respondents particularly the action of 3rd respondent seeking to evict the petitioners from their residential house bearing D.No.28-1829 situated at Venkateswarapuram, Nellore and to take physical possession without following the procedure as contemplated under The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the Act) as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently to direct the respondents 1 to 3 not to evict the petitioners from their residential house stated supra.

Respondents 1 and 2 appeared and filed counter. Respondent No.3 is Tahsildar, Urban Nellore, represented by Government Pleader for Revenue. However, no counter is filed by respondent No.3. The writ petition against 4th respondent was dismissed as per order dated 24.6.2011.

When the matter came up for hearing, learned counsel for petitioners would submit that in-fact, respondent Nos.1 and 2-Bank filed O.S.No.694 of 2008 on the file of the I Additional Senior Civil Judge, Nellore against petitioners herein and the 4th respondent for recovery of the loan amount due from them and the said suit was dismissed as per judgment dated 15.4.2011. It is further submitted that A.S.No.603 of 2011 filed by the Bank is pending before the High

Court and in view of the said fact, there is no need of passing any order in the writ petition and, therefore, the writ petition may be closed by recording the said fact.

Sri Raghu, learned counsel for the respondents 1 and 2 would submit that the Bank has already initiated proceedings against petitioners as well as 4th respondent under section 13(4) of the Act and dismissal of O.S.No.694 of 2008 will have no impact on proceedings under the Act, that too, in view of pendency of the appeal and, therefore, securitisation proceedings are parallel proceedings to the civil suit and the dismissal of the suit has no impact on the parallel proceedings.

Heard.

Since admittedly the Appeal No.603 of 2011 is pending before this Court against the judgment in O.S.No.694 of 2008 and upon informing this aspect to the learned counsel for the petitioners, he submitted that he has no objection for closing of the writ petition.

Accordingly, the Writ Petition is closed.

As a sequel there to, miscellaneous petitions, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 23/08/2018

lkv

