

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.445 of 2018

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the ad-interim order passed by the Learned Single Judge in I.A.No.1 of 2018 in W.P.No.6054 of 2018 dated 22.02.2018.

The Andhra Pradesh State Financial Corporation is in appeal against the aforesaid ad-interim order passed by the Learned Single Judge directing the Branch Manager, A.P.S.F.C, Vizianagaram to open/release the seized Anjani Kalyana Mandapam, situated opposite Venugopala Swamy Temple, Bobbili, Vizianagaram District, belonging to the petitioner pending disposal of the Writ Petition, as marriages of third parties were scheduled to be performed at the subject premises on 23.02.2018, 25.02.2018 and 01.03.2018, subject to the petitioner depositing Rs.10.00 Lakhs within a week with the 3rd respondent.

In the order under appeal, the Learned Single Judge, while granting interim directions as prayed for subject to the respondent-writ petitioner depositing Rs.10 lakhs within a week, observed that, if the amount was not deposited, the appellants were at liberty to re-seize the Kalyana Mandapam. The fact that the Kalyana Mandapam was seized by the appellants on 19.01.2018, more than a month before the order under appeal was passed on 22.02.2018, is not in dispute. The order under appeal does not disclose why the matter could not await a counter-

affidavit being filed by the appellant-respondents before passing the interim order, more so as the respondent-writ petitioner's contractual obligations with third parties cannot result in the appellants being disabled from taking action, in accordance with law, for recovery of their debt, admittedly, due from the respondent-writ petitioner.

It is evident from the averments in the writ affidavit itself that the respondent-writ petitioner had availed a loan of Rs.1.15 Crores in the year 2014 by depositing the title deeds of the Kalyana Mandapam, and cash deposits to the extent of Rs.15.00 Lakhs. The respondent-writ petitioner claims to have repaid a sum of Rs.1.00 Crore, and contends that the outstanding amount is Rs.33.14 Lakhs, but was shown as Rs.45.11 Lakhs as on 24.11.2017. The respondent-writ petitioner undertook to pay Rs.10.00 Lakhs, and sought suspension of the order of seizure contending that marriages were fixed on three different dates in the said Kalyana Mandapam.

In proceedings under Article 226 of the Constitution of India, this Court would not regulate the mode and manner of repayment of the debt due to financial institutions/banks nor would this Court, ordinarily, take upon itself the task of rescheduling the debt, for these are all matters for the financial institutions/banks to decide in accordance with law. In any event the grievance of the respondent-writ petitioner was that seizure of the Kalyana Mandapam would disable marriages being performed on 23.02.2018, 25.02.2018 and 01.03.2018 which expired more than 10 days ago. We are satisfied, therefore, that the order under appeal necessitates being set aside.

The order, in I.A.No.1 of 2018 in W.P.No.6054 of 2018 dated 22.02.2018, is set aside. The appellants shall file their counter-affidavit within three weeks. Suffice it to make it clear that the order now passed by us shall not preclude the respondent-writ petitioner from requesting the Learned Single Judge to take up I.A.No.1 of 2018 for hearing any day after three weeks.

The Writ Appeal is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

Date:13th March, 2018.

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