

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8890 OF 2018

Between:

Syed Mazher S' o. Syed Jaffer,
Aged about 30 years, Occ: Business,
R/ o. H.No. 19-2-209/ 1/ A, Ramnuspura,
Zoo Park Road, Hyderabad.

...Petitioner

Vs.

Canara Bank, Rep. by the Branch Manager,
Basheerbagh Branch, Hyderabad and others.

.. Respondents

For Petitioner : Sri Gulam Pabbani

For Respondent No.1 : Sri Dishit Bhattacharjee

Gist :

Head Note :

Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
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ORDER: (per V. Ramasubramanian, J)

A person, who claims to have taken the property mortgaged with the Bank on a lease cum rental agreement from the borrowers/ owners on 23.10.2013 has come up with the above writ petition seeking a mandamus to direct the Bank and the Advocate Commissioner appointed by the Chief Metropolitan Magistrate under Section 14 of the Securitization Act to desist from forcibly dispossessing him.

2. Heard Mr. Gulam Rabbani, learned counsel for the petitioner. Mr. Dishit Bhattacharjee, learned counsel takes notice for the respondents.

3. The original owners appear to have fought a litigation for more than 13 years from 29.10.2004 when the Bank issued a notice under Section 13 (2) of the Securitization Act. Possession notice under Section 13 (4) of the Act was issued on 30.03.2005. But, the petitioner herein claims that he took the property on lease-cum-rental basis on 23.10.2013. Therefore, even on admitted facts, the case is covered by Section 13 (13) of the Securitization Act.

4. As rightly pointed out by the learned counsel for the respondents, the conduct of the legal heirs of the owner and the borrower came to be deprecated by this Court in a writ petition in W.P. No.13793 of 2016 dated 21.11.2017. Therefore, no mercy can be shown to the petitioner and hence, the writ petition is dismissed.

5. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

March 22, 2018
KTL