

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Petition No.12382 of 2018

Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition with a very strange prayer which reads as follows:

“Writ of Mandamus declaring the action of the respondents in seeking to seize/auction the petitioner’s unit M/s Rupa Corrugated Industries, situated at Farizallipeta Village, Rajanagaram Mandal, East Godavari District under loan account Nos.55862901 and 55862902 contrary to the provisions of Andhra Pradesh State Financial Corporation Act, 1951 (SFC Act) and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) without considering the request of petitioner’s loan account under one-time-scheme as illegal, arbitrary, violative of the provisions of the SFC Act and SARFAESI Act and issue a consequential direction directing the respondents not to take any coercive steps under the provisions of SFC Act or SARFAESI Act in respect of the petitioner’s unit under loan account Nos.55862901 and 55862902”

2. Heard Mr. J.Prabhakar, learned counsel for the petitioner and Mr. Y.N. Lohita, learned Standing Counsel for the respondents.

3. The immediate provocation for the petitioner to come up with the above writ petition is a notice titled as “Recall-cum-Sale Notice” dated 05-02-2018 issued by the A.P. State Financial Corporation, in exercise of the powers conferred by Section 29 of the State Financial Corporations Act. But quite strangely the notice is not challenged. The notice cannot also

be challenged, since it merely asks the petitioner to pay the money due to them.

4. It is stated on instructions by the learned Standing Counsel for the respondents that the possession of the unit was taken earlier under Section 29, but it was returned to the petitioner upon payment of some amounts. But the cheques issued at that time got dishonoured forcing the respondents to initiate fresh steps. Therefore, we find no merits in the writ petition and hence it is dismissed. The applications, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

GUDISEVA SHYAM PRASAD, J.

18th April, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Petition No.12382 of 2018
(per VRS, J.)



18th April, 2018.
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