

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

WRIT PETITION No.13030 of 2018

ORDER: (per SK, J)

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the impugned notice dated 18.10.2017 of the 1st respondent in proposing to put the petitioner's Flat No.502, Sree Geetha Residency, 18th Ward, Shanthinagar, Tirupathi, on the pretext that it has sanctioned the loan to the 3rd respondent on 16.10.2016 though as on the said date the 3rd respondent is not the owner of the said property and trying to evict the petitioner from the said property though the petitioner is the absolute owner of the said property without following the procedure contemplated under the SARFAESI Act that too for the loan illegally released in favour of the 3rd respondent as being illegal, arbitrary and is in violation of the established judicial precedents and consequently set aside the impugned notice dated 18.10.2017 and pass such other order or orders as are deemed fit and proper.”

By order dated 16.04.2018, this Court granted interim stay of all further proceedings pursuant to the impugned notice dated 18.10.2017 issued by the Bank of Baroda, including interference with the peaceful possession and enjoyment of the petitioner over the secured asset, being Flat No.502, V Floor, Sree Geetha Residency, 18th Ward, Shanthinagar, Tirupathi. It may be noted that the impugned notice dated 18.10.2017 issued by the Bank of Baroda is not even relatable to the proceedings

initiated by it under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

This being the situation, there was no representation for the petitioner or the learned counsel when the matter was taken up for hearing on 27.06.2018. The matter was accordingly directed to be posted 'For Dismissal' on 28.06.2018.

Though the matter appears under the caption 'For Dismissal', Sri Siva Keshava Reddy, learned counsel for the petitioner, would state that he is not ready to argue the matter and seeks an adjournment. We are not inclined to grant an adjournment as the matter is listed under the caption 'For Dismissal'. The learned counsel has no reason or excuse to offer as to why he seeks an adjournment but pleads inability to argue the matter on merits. We do not approve of this practice. All the more so, when the petitioner had already secured an interim order in the writ petition and there was no representation when the matter was taken up for hearing earlier.

The writ petition is accordingly dismissed for non-prosecution. Interim order dated 16.04.2018 shall stand vacated.

Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

28th JUNE, 2018.

SANJAY KUMAR, J

T. AMARNATH GOUD, J

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