

HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.13576 of 2016

ORDER: {Per Hon'ble Sri Justice Ramesh Ranganathan}

The relief sought for in this writ petition is to declare the action of the respondents, in initiating proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") in CrI.M.P.No.947 of 2016 on the file of the Chief Metropolitan Magistrate, Vijayawada, and the Commissioner's warrant dated 22.02.2016 issued in the said proceedings, as illegal and without jurisdiction.

The petitioner's grievance is that the application, submitted by the respondents-bank under Section 14 of the SARFAESI Act, was not accompanied by an affidavit and, consequently, the Chief Metropolitan Magistrate should neither have entertained any such application nor issued a warrant for delivery of possession.

It is wholly unnecessary for us to examine this contention, since Sri M.V.K.Viswanadham, learned counsel for the respondents-bank, would submit that the warrant issued by the Chief Metropolitan Magistrate, under Section 14 of the SARFAESI Act, lapsed; and the bank is now required to file an application afresh before the Chief Metropolitan Magistrate under Section 14 of the SARFAESI Act, and comply with the conditions stipulated in Section 14, including filing an affidavit.

In the light of the submission of Sri M.V.K.Viswanadham, learned counsel for the respondents-bank, it is evident that the cause in the writ petition does not survive necessitating any further adjudication by this Court.

The Writ Petition is, accordingly, dismissed as infructuous.
Miscellaneous petitions pending, if any, shall stand closed. There shall
be no order as to costs.

(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

18th September, 2018
JSU



**HON'BLE SRI JUSTICE RAMESH RANGANATHAN
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Date: 18.09.2018

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