

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.26619 of 2008

ORDER:

The petitioner seeks Writ of Mandamus declaring the action of the respondent—bank in enforcing the provisions contained in Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short “SARFAESI Act”) in respect of house property of the petitioner bearing D.No.4-64 (Old No.1-45) admeasuring 360 sq. yds. at Kuntaluru, Hayatnagar, Hyderabad as illegal, urtravires and consequently direct the respondents to forbear from conducting auction of the said house property of the petitioner.

- 2) Respondents filed counter and opposed the petition.
- 3) When the matter came up for hearing today, learned Standing Counsel for respondent—bank Sri Ambadipudi Satyanarayana by producing a copy of the letter dated 18.05.2009 addressed by the Indian Bank to him would submit that as per the said letter the writ petitioner has paid Rs.1.15 lakhs on 27.02.2009 in respect of account of his father late Mr.Yadagari Reddy and consequently the bank has closed the account under OTS and in view of these facts the writ petition has become infructuous and hence the same may be closed.
- 4) There is no representation for petitioner.

5) However, having regard to the above submission of learned counsel for respondent—bank, the writ petition is dismissed as infructuous. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 05.10.2018
Murthy

