

HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.23738 of 2018

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

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

“For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble High Court may be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in trying to take possession of the petitioner's property bearing Plot No.60, Sy.No.9/1, Old No.9/1/L, New Ward No.11, Block No.14, Saroornagar Village, Ranga Reddy District Property by way of order in Cr.I.M.P.No.2940 of 2018 on the file of Chief Metropolitan Magistrate, Cyberabad at L.B. Nagar without issuing any notice for payment of due nor retaining due amount of Rs.18,80,429/- by Respondent No.1 is illegal, arbitrary and against the principles of natural justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

In the affidavit filed in support of the petition, the petitioner alleged that a loan of Rs.70,95,429/- was sanctioned to him by the Dhanlaxmi Bank, the first respondent, but only an amount of Rs.59,33,100/- was released to him and he was told by the bank officials that the rest of the loan amount was adjusted towards the bribe for sanctioning the loan and the bribe to be paid to the Reserve Bank of India.

Sri Chunduru Srihari, learned counsel for the petitioner, would state that the loan in question was sanctioned in the year 2011 and the petitioner was informed by the bank officials as to the appropriation of part of the loan amount towards the so-called bribes paid. He would also state that the petitioner never made any complaint in this regard but

submitted representations to the bank for release of the balance amount.

We find that the petitioner neither mentioned the names of the officials of the respondent bank who allegedly informed him of the adjustment of part of the loan amount towards bribes nor made them as party respondents to this writ petition. The Reserve Bank of India is also not made a party despite there being an allegation that bribes were paid to it. Further, the writ affidavit does not disclose any grounds of challenge to the order said to have been passed by the learned Chief Metropolitan Magistrate, Cyberabad, Ranga Reddy District, in CrI.M.P.No.294 of 2018 in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Surprisingly, a copy of the order in the said CrI.M.P. is not even filed. We fail to understand as to how the petitioner can maintain this writ petition against the said order when it is not even made part of the record and no grounds have been set out in support of his challenge thereto.

Be it viewed from any angle, this writ petition is utterly lacking in *bonafides* and merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

Dt: 11.07.2018.
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