

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

WRIT PETITION No.25617 of 2018

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

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

“For the reasons stated in the accompanying affidavit the Petitioners herein pray that this Honourable Court in the interests of justice be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring action of the Respondent in issuing the Possession Notice dated 05.07.2018 under Rule 8(1) and (2) of Security Interest (Enforcement) Rules, 2002 without considering the Representation dated 02.07.2018 submitted by the Petitioners as illegal, arbitrary, violative of principles of natural justice as also contrary to provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as also Article 300A of the Constitution of India and set aside the same with a consequential direction to the Respondent not to take any coercive steps in pursuance of Possession Notice dated 05.07.2018 and pass such other or further order or orders as are deem fit and proper in the circumstances of the case.”

Sri M.Srikanth Reddy, learned counsel for the State Bank of India, the respondent, would inform this Court that after issuance of the demand notice dated 05.05.2018, the petitioners submitted representation dated 02.07.2018 to the bank and in response thereto, a letter was addressed to the petitioners informing them that the bank was unable to accept their proposal and advising them to adhere to the demand notice. Learned counsel would state that the date of this communication was wrongly shown as 09.07.2018.

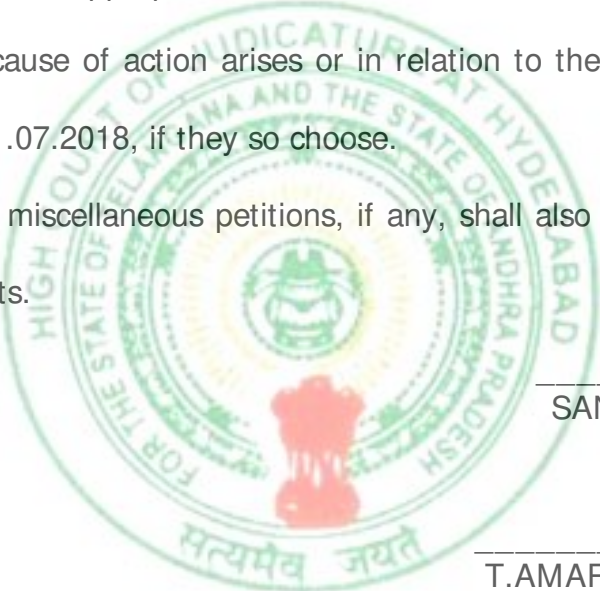
Be that as it may.

In so far as the possession notice dated 05.07.2018 is concerned, Sri M.Srikanth Reddy, learned counsel, would state that the said possession notice stood cancelled by virtue of the later possession notice dated 21.07.2018 issued by the bank. Copies of the said possession notice are furnished to the other side and also placed on record.

In the light of the said development, challenge in this writ petition to the possession notice dated 05.07.2018 no longer survives for consideration.

The writ petition is accordingly closed leaving it open to the petitioners to avail appropriate remedies in accordance with law as and when a fresh cause of action arises or in relation to the later possession notice dated 21.07.2018, if they so choose.

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



SANJAY KUMAR, J

T.AMARNATH GOUD, J

Dt: 24.07.2018.
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