

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.24513 OF 2017

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

The prayer in this writ petition 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 particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the Flat No. 404, 3rd Floor in Sri Sai Nilayam in R S Nos. 775, 778/1, Kodad, in erstwhile Nalgonda District which was mortgaged to them for availing the loan without passing on the representations submitted on 15.2.2017 in answer to the notice issued U/s 13 (2) of the SARFAESI Act by the 2nd respondent dated 16.1.2017, by following the law declared by the Honourable Court as being illegal arbitrary and is in violation of Articles 14, 21 and 300-A of the Constitution of India apart from being in violation of principles of natural justice and fair play and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the aforesaid property, and pass such other reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

On 02.02.2018, we were informed that the petitioner/borrower already cleared about 95% of the outstanding dues in terms of a one time settlement. To enable him to clear the balance, the matter was adjourned.

Today, Sri V. Brahmaiah Chowdary, learned counsel for the petitioner, would state that the balance amount due in terms of the one time settlement has also been cleared. Learned counsel would however state that the respondent-India Infoline Housing Finance Limited is yet to release the documents relating to the mortgaged property. He would seek a direction to the India Infoline Housing Finance Limited to release the said documents.

However, we are of the opinion that this aspect of the matter would not fall within the ambit of the prayer put forth by the petitioner. In the event he has any grievance with regard to non-release of his documents despite his plea to do so after complying with all necessary formalities, it would give rise to a fresh cause of action.

Leaving it open to the petitioner to seek redressal of such grievance, if and when it arises, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

Date: 26.02.2018

JUSTI CE SANJAY KUMAR

va

JUSTI CE P.KESHA VA RAO

