

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29389 of 2018

ORDER:

This writ petition is filed seeking direction to respondents 2 to 4 not to interfere with the possession and enjoyment of the petitioner over house bearing No.1-2-146/2, situated at Saikrishna Colony, Budvel, Rajendranagar Mandal, Ranga Reddy District.

Learned Assistant Government Pleader for Home produced written instructions of Station House Officer, Rajendranagar Police Station, Hyderabad stating that Bank of Maharashtra (Bank) initiated proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short "the Act"), 2002. It is stated that the Chief Metropolitan Magistrate, Cyberabad vide order dated 16-05-2017 in CrI.MP.No.410 of 2017, appointed the Advocate Commissioner to take physical possession of the subject house. Accordingly, the Advocate Commissioner has taken the physical possession on 01-07-2017 and handed over to the Bank. However, the petitioner, who is the tenant in the subject house, sent a message stating that the Bank has to take fresh orders from the Court to get him vacated, as the house owner has mortgaged total property and the Bank took symbolic possession of the subject property only an extent of 224 square yards, out of 248 square yards. In view of the same, it appears that the Bank has taken steps for recovery of the amount and initiated proceedings under the Act. Without

revealing the same, the present writ petition is filed alleging that the landlord is interfering with the possession of the petitioner unlawfully. The writ petition is liable to be dismissed on the sole ground of suppression of fact. More so, when Bank initiated proceedings under the Act, the same cannot be interdicted in the writ petition.

In view of the same, no relief can be granted in the writ petition.

Accordingly, this writ petition is disposed of granting liberty to the petitioner to avail alternative remedies available to him. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

04-10-2018
Nvl

A.RAJASHEKER REDDY,J



