

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

WRIT PETITION NO.25035 of 2017

ORDER: (per SK,J)

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

'For the reasons stated in the accompanying affidavit, it is prayed that this Honourable 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 official respondents in issuing the proceedings dt.5-3-2017 Vide D.Dis.No.E/591235/2017/D7 under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 is illegal and arbitrary and against the principles of natural justice and against the rules and regulations of SARFAESI Act and consequently to suspend the same and pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case.'

This writ petition was taken up for hearing on admission on 28.07.2017 and upon hearing the learned counsel appearing for the petitioner and the Syndicate Bank, this Court directed the matter to be posted 'For Orders'. Again, at the request of the learned counsel for the petitioner, the matter was directed to be listed finally on 08.02.2018. On the said day, there was no representation for the petitioner and the case was accordingly directed to be posted 'For Dismissal' on 12.02.2018.

Today, the matter appears under the caption 'For Dismissal' but Sri M.Venkateswara Rao, learned counsel representing Sri M.Suryanarayana, learned counsel for the petitioner, would again seek an adjournment.

Sri Gopala Krishna, learned counsel representing Sri A.Krishnam Raju, learned counsel for the Syndicate Bank, would inform this Court that though the petitioner sought to challenge the order dated 05.03.2017

passed by the Collector and District Magistrate, West Godavari, Eluru, in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the said order has already been acted upon and actual physical possession of the property was taken under Panchanama dated 29.06.2017. A copy of the Panchanama is also placed on record.

Despite this development, it appears that neither the petitioner nor her learned counsel is interested in pursuing this matter.

The writ petition is accordingly dismissed for non-prosecution.

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

No order as to costs.

Date:12.02.2018

GJ



SANJAY KUMAR,J

P.KESHAVA RAO,J