

**HON'BLE SRI JUSTICE RAMESH RANGANATHAN**  
**AND**  
**HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**Writ Petition No.34729 of 2018**

**ORDER:** {Per Hon'ble Sri Justice Ramesh Ranganathan}

Heard Sri I.Gopala Reddy, learned counsel for the petitioner, and Sri A.Satyanarayana, learned counsel for the 1<sup>st</sup> respondent-bank and, with their consent, the writ petition is disposed of at the stage of admission.

The petitioner herein is an Upper Primary School located in a building owned by the 2<sup>nd</sup> respondent. The said building was mortgaged to the 1<sup>st</sup> respondent-bank which initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") and, pursuant to an order passed by the Chief Judicial Magistrate, Ongole in CrI.M.P.No.128 of 2018 dated 03.04.2018 which was extended from time to time, the Advocate-Commissioner issued a notice to both the borrowers on 21.09.2018 who sought time till 26.09.2018 to vacate the property.

Sri I.Gopala Reddy, learned counsel for the petitioner, would draw our attention to a representation submitted by the petitioner to the Branch Manager of the 1<sup>st</sup> respondent-bank seeking time till April, 2019 to shift the school premises to another premises, and would contend that forcible possession being taken of the school would disrupt the education of students studying thereat.

It would be wholly inappropriate for us, in proceedings under Article 226 of the Constitution of India, to examine whether or not the school should be permitted to be run in the subject premises till April, 2019, when it is not in dispute that the petitioner's possession of the subject premises is on the basis of an un-registered lease deed. Since the petitioner has submitted a representation to the 1<sup>st</sup> respondent, suffice it

to observe that the petitioner's representation be examined by the 1<sup>st</sup> respondent, before taking further action in accordance with law.

The Writ Petition is, accordingly, disposed of. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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(RAMESH RANGANATHAN, J)

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(KONGARA VIJAYA LAKSHMI, J)

26<sup>th</sup> September, 2018

**Note: Issue C.C tomorrow.**

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**Date: 26.09.2018**

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