

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

+ Writ Petition No.40233 of 2018

% Date: 08-11-2018

Syed Asmathunnisa Begum W/o Ameeruddin,
Aged 62 years, Occ: Housewife, R/o 2-43/1,
Anumallipeta, Chinna Bazar, Desaipeta Grampanchayath,
Vetapalem, Prakasam District

... Petitioner

Vs.

\$ 1. The Andhra Bank, Authorised Officer,
Chirala Branch, Near Muntavari Centre,
Chirala, Prakasam District

2. Andhra Bank, Rep. by its Branch Manager,
Chirala Branch, Near Muntavari Centre,
Chirala, Prakasam District

... Respondents

! Counsel for Petitioner: Mr. Naga Praveen Vankayalapati

Counsel for Respondents: ---

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.40233 of 2018

Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition seeking a very innocuous *mandamus* to direct the respondents to consider the representation dated 23-10-2018 for regularisation of their account.

2. Heard Mr. Naga Praveen Vankayalapati, learned counsel for the petitioner.

3. Admittedly, the petitioner has approached the Tribunal by way of an appeal under Section 17 of the Securitisation Act, 2002, in S.A.No.413 of 2018, challenging the possession notice dated 04-10-2018. The appeal is now pending.

4. During the pendency of the appeal, before the Tribunal, the petitioner has come up with this writ petition seeking a direction to consider his representation to make payments and to regularise the account. The contention of the learned counsel for the petitioner is that under Section 13(3A) of the Act, the Authorised Officer is obliged to consider the representation and pass orders. According to the learned counsel, no demand notice under Section 13(2) was ever issued.

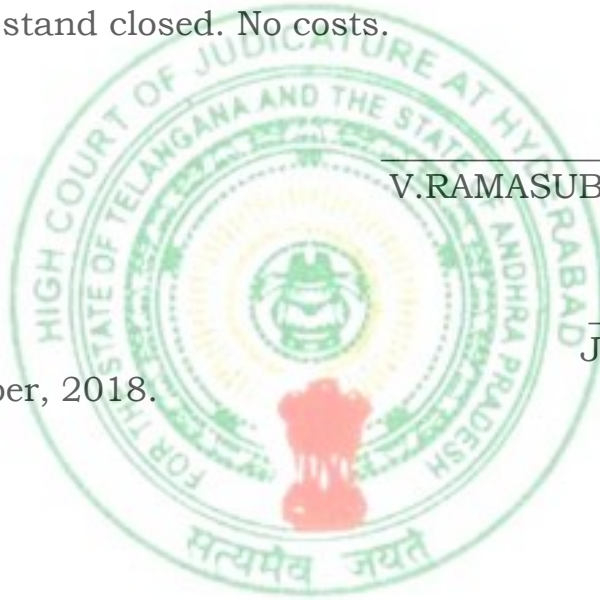
5. If it is true that no demand notice under Section 13(2) was issued and if it is true that no order under

Section 13(3A) was passed, the petitioner has an excellent case in the appeal S.A.No.413 of 2018 pending before the Tribunal. By asking the Bank now to pass an order under Section 13(3A), we do not want the petitioner to suffer by a *post facto* disposal. In fact, the question of passing an order under Section 13(3A) after the issue of the possession notice does not arise. Therefore, leaving it open to the petitioner to pursue her remedies in the pending appeal before the Tribunal, this writ petition is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

08th November, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.40233 of 2018
(per VRS, J.)



08th November, 2018.
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