

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

WRIT PETITION NO.37518 of 2017

ORDER: (per SK,J)

The prayer in this writ petition reads as under:

'For the reasons stated in the accompanying affidavit 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 possession notice dated 29-08-2017 issued by the respondent No.2 under Rule 8(1) and (2) of the Security Interest (Enforcement Rules 2002) in respect of the House bearing No.2-6 to an extent of 240 sq. yards situated at Lenkalapally Village, Nallaballi Mandal, Warangal Dist., stands in the name of the petitioner as illegal, arbitrary, unjust, against the principles of natural justice and contrary to the provisions of SARFEASI Act 2002; consequently set-aside the same; and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.'

Sri K.Devnath, learned counsel representing Sri M.Krishna Murthy, learned counsel for the petitioner, would state that given sufficient time, his client would pay the total outstandings due and payable by her to the Andhra Pradesh Grameena Vikas Bank.

As the bank is yet to take concrete measures to realise its dues from the petitioner and is still at the stage of a possession notice under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002, we are of the opinion that reasonable opportunity may be given to the petitioner to prove her *bona fides*.

Sri Podila Hari Prasad, learned counsel for the Andhra Pradesh Grameena Vikas Bank, would state that the amount due and payable by the petitioner to the bank stands at Rs.4,46,261/- as on 30.04.2017, along with interest accrued thereon till date, apart from expenses and other incidental charges that would have to be paid by the petitioner.

In the light of the aforestated circumstances and as the petitioner is willing to discharge her entire outstanding dues to the bank, the writ petition is disposed of with the following directions:

- 1) the petitioner shall ascertain from the bank as to the exact amount due and payable by her, including the accrued interest, outstanding expenses and incidental charges.
- 2) 50% of the said total outstanding amount shall be remitted by the petitioner to the bank on or before 28.02.2018 and the balance 50% of the said total outstanding amount shall be paid by her on or before 31.03.2018.
- 3) We make it clear that the petitioner is not entitled to seek any extension of time or further indulgence in terms of the aforestated time stipulations. In the event the petitioner fails to pay either of the aforestated instalments within time, the bank is at liberty to proceed further from the stage of the impugned possession notice.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

P.KESHAHA RAO,J

Date:24.01.2018

GJ

