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

WRIT PETITION NO.38042 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 Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly in the nature of Writ of Certiorari to call for the records relating to the impugned proceedings in Crl.M.P.No 659/2017 dated 24.08.2017 on the file of Chief Metropolitan Magistrate Court, RR District at LB Nagar appointing an advocate commissioner i.e., 3rd respondent to take physical possession of the property relates to the petitioner i.e., house bearing Plot No.28 (part) in Sy.No.310, admeasuring 85 sq. yards with GF+FF 621 sq feet situated at Nagaram Village and Grampanchayat, Keesara Mandal, RR District and quash the same as illegal and arbitrary and in violation of law and procedure including violation of SARFAESI Act and to pass such other order or orders that the Hon'ble Court may deem fit and proper in the interest of justice.'

The petitioner claims to be a third party to the loan transaction between the fourth and fifth respondents, on the one hand, and the Central Bank of India, the second respondent herein, on the other, which led to initiation of proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'), by the second respondent bank for recovery of its dues in relation to the said loan account, which was declared a Non-Performing Asset. Aggrieved by such proceedings, which had taken the form of the order dated 24.08.2017 passed by the Chief Metropolitan Magistrate, Ranga Reddy District at Cyberabad, in Crl.M.P.No.659 of 2017 under Section 14 of the SARFAESI Act, the petitioner filed this writ petition.

While so, the Central Bank of India filed a counter through its Chief Manager/Authorised Officer, Koti Branch, Hyderabad, wherein it is stated that after initiation of the proceedings under the SARFAESI Act, the fifth respondent settled the loan account under a One Time Settlement scheme and the total amount was also paid to the bank resulting in the loan account being closed.

Sri P.A.V.Balaprasad, learned counsel for the second respondent, would submit that the bank is no longer interested in proceeding against the secured asset in which the petitioner claims rights.

Owing to the aforestated development, recording the said statement, the writ petition is closed. It is left open to the petitioner to work out his remedies against the private respondents, if so advised, before the appropriate forum in accordance with law.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

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SANJAY KUMAR,J

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P.KESHAVA RAO,J

Date:05.02.2018

GJ