

HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1923 of 2019

ORDER: (*per V. Ramasubramanian, J*)

1) Challenging the action of the second respondent-bank in taking possession of the residential house property under the proceedings initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Securitization Act"), and seeking six months time to clear the outstanding, the borrower has come up with the above writ petition.

2) Heard Mr.N.Janardhan Reddy, learned counsel for the petitioner and Smt. T.Vidya Pani, learned counsel for the second respondent-bank.

3) All that the petitioner now claims is only time till April, 2019 to clear all the dues on the ground that the property is a very small property measuring an extent of just about 32 square yards. But unfortunately the petitioner had earlier approached this Court by filing writ petition W.P.No.32391 of 2015, challenging the order of the Chief Judicial Magistrate, Adilabad and the sale notice issued thereafter. In the said writ petition, a conditional order of stay was granted on 05.10.2015. It appears that the said conditional order was not comply with by the petitioner.

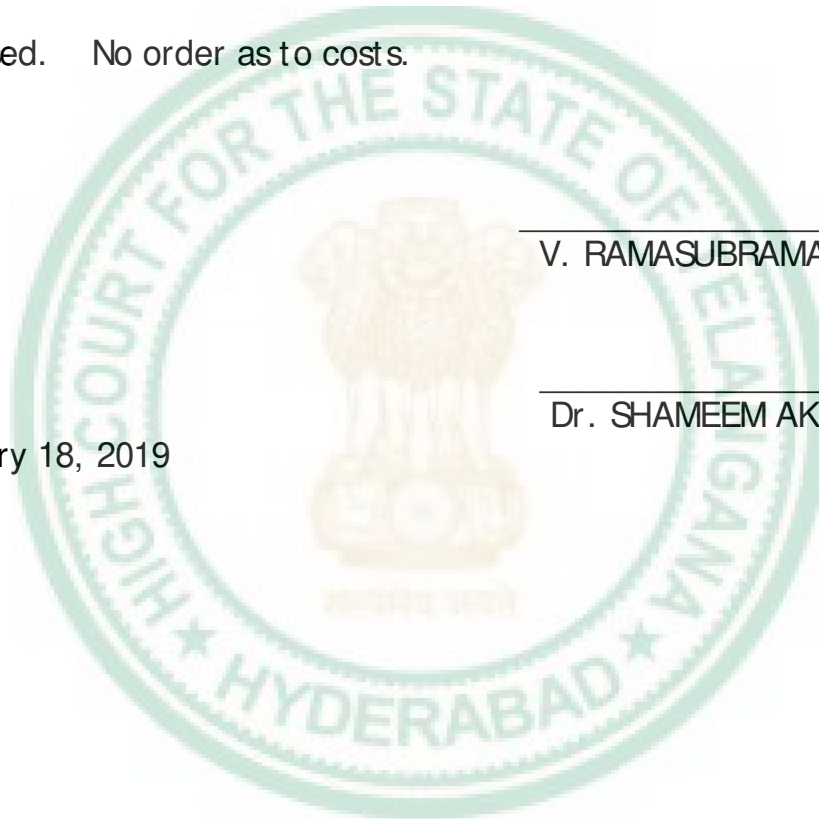
4) Unfortunately, the petitioner has not even disclosed the filing of the previous writ petition, in the affidavit in support of the present writ petition. Therefore, we do not wish to exercise the discretionary jurisdiction under Article 226 of the Constitution of India. It is open to the petitioner to knock at the doors of the second respondent-bank, if he wants to repay the money.

5) Accordingly, the Writ Petition is dismissed. As a sequel, miscellaneous petitions, if any, pending in the Writ Petition stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

Dr. SHAMEEM AKTHER, J

February 18, 2019
gkv



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE Dr. JUSTICE SHAMEEM AKTHER



WRIT PETITION No. 1923 of 2019

Date: 18.02.2019