

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice T.Amarnath Goud

W.P. No.14115 of 2019 (WP (Sr).No.20302 of 2019)

Date: 09-07-2019

Between:

T. Vinayak Ravi Reddy and another

...Petitioners

and

State of Telangana
Rep. by its Secretary
Ministry of Home Affairs,
Secretariat Buildings, Secretariat
Hyderabad and 4 others

...Respondents

Counsel for the petitioners:

**Mr. R. Raghunandan Rao,
Senior Counsel
for Mr. A. Chandra Shaker**

Counsel for the respondent No.2:

**Mr. S. Niranjan Reddy,
Senior Counsel
for Mr. Rusheek Reddy**

The Court made the following:

Order: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The petitioners are aggrieved by the manner in which the goods belonging to them in the premises, bearing house No.6-3-898, Raj Bhavan Road, Somajiguda, were being removed by the respondent No.2, Indiabulls Housing Finance Limited. Therefore, they have filed the present writ petition.

On 04-07-2019, after hearing Mr. R.Raghunandan Rao, the learned Senior Counsel for the petitioners, and Mr. S. Niranjan Reddy, the learned Senior Counsel for the respondent No.2, and since there was some discrepancy as to whether the goods were still kept in the aforesaid house, or had been shifted to the Royal International, Kompally, near Cinicity Plaza, Hyderabad, this Court had appointed Mr. Praveen Reddy, Advocate, as the Advocate Commissioner. He was directed to visit both the house No.6-3-898, Raj Bhavan Road, Somajiguda, and the Royal International, Kompally, and to submit his report.

Consequently Mr. Praveen Reddy has submitted his report, which shall be taken on record. Copies of the said

report have also been furnished to both the learned Senior Counsel for the parties.

Mr. R. Raghunandan Rao, the learned Senior Counsel, submits that the petitioners are, indeed, satisfied with the manner in which the inventory was done, and the manner in which the Advocate Commissioner has conducted the proceedings. However, they are still aggrieved by the manner in which the goods were removed from the subject premises. Moreover, they are also aggrieved by the fact that some of the goods are conspicuously missing.

On the other hand, Mr. S. Niranjan Reddy, the learned Senior Counsel for respondent No.2, submits that since the property, which is the subject matter of the dispute, had been mortgaged to respondent No.2, and since on an earlier occasion an order has already been passed by a learned District Judge permitting the respondent No.2 to take over the said property, the respondent No.2 was well justified in removing the goods therefrom.

Be that as it may. This Court is neither concerned with these two issues, nor would it be proper for this Court to express any opinion on these two issues. Therefore, these issues are left open by this Court.

By order dated 04-07-2019, this Court had directed both the parties to pay Rs.25,000/- each to the Advocate Commissioner. However, it has been brought to the notice of this Court that the advocate commissioner had to spend two full days in carrying out the task. Therefore, this Court is of the opinion that the remuneration payable to the Advocate Commissioner should be enhanced from Rs.25,000/- to Rs.50,000/- each. The parties are directed to pay the said amount to the Advocate Commissioner within a period of one week from today.

Suffice it to say that since the inventory has been done, and since the parties are satisfied with the manner in which the inventory was done by the Advocate Commissioner, no relief remains to be given by this Court. Therefore, the writ petition stands disposed of.

As a sequel, miscellaneous petitions, pending if any,
stand disposed of as infructuous.

(Raghvendra Singh Chauhan, CJ)

(T.Amarnath Goud, J)

Dt: 9th July, 2019
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