

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

W.P.No.13814 OF 2018

ORDER:

(Per Sanjay Kumar, J)

1 The prayer of the petitioner in this case reads as under:

"It is, therefore prayed that this Hon'ble Court may be pleased to issue a Writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 1st Respondent in issuing the Possession Notice dated 02 03 2018 under Rule 8 1 and 2 of the Security Interest Enforcement Rules 2002 and Notice dated 3 4 2018 U/R 86 of the Rules and demand notice U/s 132 of SARFAESI Act by taking symbolic possession in respect of house bearing No 84543/3 consisting of ground and first floor admeasuring 100 Sq Yards or 84 00 Sq Mtrs situated at B Shankerlal Nagar Erragadda Hyderabad during the pendency of CC No 304/2017 on the file of Hon ble III District Forum Hyderabad without intimating the settlement of the loan account by the 3rd Respondent to the Petitioner as without authority of law arbitrary and illegal against the Principles of Natural Justice violates the Article 14 and 300A of the Constitution of India and consequently set aside the same by directing the 2nd Respondent to close the loan account standing in the name of the late husband of the Petitioner and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case."

2 As we are now informed that C.C.No.304 of 2017 has been allowed in part by the District Consumer Disputes Redressal Forum-III, Hyderabad, vide order dated 05.7.2019, the prayer of the petitioner not to take steps under the SARFAESI Act, 2002, during the pendency of the said case, has worked itself out.

3 The Writ Petition is accordingly dismissed on this short ground leaving all issues open. Interim order dated 19.4.2018 shall stand vacated.

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

SANJAY KUMAR, J.

P. KESHAVA RAO, J.

Date: 18th July, 2019.

Kvsn