

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.20456 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a Writ of Mandamus to declare the action of the 2nd respondent in not taking any action on the requests made by the petitioner seeking to furnish the true accounts of the loan obtained by his father Dobbali Sayappa for purchase of tractor and trailer bearing No. AP 22 AA 5210 & AP 22 AA 5211 during April, 2010 and to reduce the interest while expressing interest to clear off the entire outstanding loan amount, as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and sought a consequential direction to the respondents to furnish the statement of loan account with details of interest charged.

Heard Sri V.Brahmaiah Chowdary, counsel for the petitioner, and M/s. Pearl Law Associates for the respondents.

It has been contended by the petitioner that his father has obtained loan to purchase tractor and trailer during April, 2010 and was paying the instalments regularly. It is also contended that the father of the petitioner expired on 02.12.2016 and thereafter the petitioner has been requesting the respondents to furnish the details of the loan account and the outstanding amount, but the respondents are neither furnishing the statement of loan account nor details of the loan

obtained by the father of the petitioner. The petitioner further contended that the respondents 1 and 2 had authorised respondent No.3 to seize the tractor and trailer of the petitioner's father vide proceedings dated 14.08.2019. Challenging the same, the present writ petition is filed.

Counsel for the petitioner submitted that if the respondents 1 and 2 inform the petitioner about the amount payable towards the loan account of his father, the petitioner would take appropriate steps to clear off the loan within a reasonable period of time. Therefore, the counsel submitted that appropriate orders be passed in the writ petition directing the respondents 1 and 2 to furnish the details of the loan account of the father of the petitioner and give reasonable opportunity to the petitioner to clear off the outstanding amount and till such time, the respondents be directed not to take coercive steps to seize the tractor and trailer.

Standing Counsel appearing for the respondents had contended that the petitioner has never approached the respondents 1 and 2 requesting them to furnish the details of the loan account of his father and also the petitioner has not informed about the death of his father, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed. However, the Standing Counsel appearing for the respondents had contended that if the petitioner approaches the respondents 1 and 2, the respondents 1 and 2 would furnish the loan account details to the petitioner and also give opportunity to the

petitioner to clear off the outstanding amount within a reasonable period of time.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents seeking details of loan account of his father with a request to give reasonable time for clearing off the outstanding amount, within a period of two weeks from the date of receipt of a copy of this order. Upon such a representation being received, the respondents 1 and 2 shall consider the same and pass appropriate orders in another six weeks thereafter. Meanwhile, the respondents shall not take coercive steps to seize the tractor and trailer bearing No. AP 22 AA 5210 & AP 22 AA 5211.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

26th September, 2019
v v

