HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NO: 14751 OF 2020

Between:

Sri.Katturi Gangadhar, S/o.Katturi Sudarshan, Aged 60 years, Occ.Business, H.No.4-3-71/4/2, Dwaraka Nagar, Adilabad, Adilabad Mandal and District, Telangana State-504 001.

...PETITIONER

AND

State Bank of India, Rep. by its Authorized Officer, Stressed Assets Recovery Branch (SARB-II), H.No.1-8-563/1, 1st Floor, Opp: Sandya Theatre, RTC X Roads, Chikkadpally, Hyderabad-20.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in nature of WRIT OF MANDAMUS declaring the action of the Respondent in issuing the E-auction Notice dated 03/08/2020 under SARFAESI Act, 2002 conducting E-auction on 09/09/2020 against the properties (1) Open place relating to H.No.5-7-20/2, measuring 203.11 Sq.Yds. or 169.89 Sq.Mtrs., situated in Ward No.6, Block No.7, Bukthapur, Adilabad District within the limits of Municipality, Adilabad, standing in the name of Sri.Katturi Gangadhar S/o.K.Sudarshan, Gift Settlement Deed Doct.No.1075/2003 dt.15/4/2003, bounded by North: Remaining Open Space of Dono, South: Road, East: House of Kannayalal, West: House of Praneet Reddy and Shruthi (2) Open Plot No.164 in Sy.No.15/A, admeasuring 222.20 Sq.Yds. (40x50= 2000 Sft) and open space without number measuring 20x40=800 Sft of 88.8 Sq.Yds. in Sy.BNo.15/A, within one four boundaries, situated at Khanapur Village, Anukunta Mandal, Adilabad District Standing in the name of Sri.Katturi Gangadhar S/o.K.Sudarshan, Registered Sale Deed Doct.No.746/2003 dated 10/3/2003, and bounded by North: Plot No.152, South: Road, East: Plot No.165, West: Road (3) Open plot No.165 in Sy.No.15/A, admeasuring 222.20 Sq.Yds. (40x50=2000 Sft) and

open space without number measuring 20x40=800 Sft of 88.8 Sq.Yds. in Sy.No.15/A, within one four boundaries, situated at Khanapur Village, Anukunta Mandal, Adilabad District Standing in the name of Smt.Katturi Jayasree W/o.Katturi Gangadhar, Registered Sale Deed Doct.no.747/2003 dated 10/3/2003 bounded by North: Plot No.153, South: Road, East: Road, West: Plot No.164 (4) Open Plot No.12 in Sy.No.13, admeasuring 200 Sq.Yds. (30x50=1500 Sft) or 167.227 Sq.Mtrs. situated, at Dasanpur Village, Mavala Mandal, Adilabad District, Standing in the name of Sri.Katturi Gangadhar S/o.K.Sudarshan, Gift Settlement Deed Doct.No.1074/2003 dt.15/4/2003, bounded by North: Plot No.11, South: Plot No.13, East: Road, West: Plot No.6 and (5) Open Plot No.13 in Sy.No.13, admeasuring 200 Sq.Yds. (30x60=1800 Sft.) or 167.227 Sq.Yds. situated at Dasanpur village, Mavala Mandal, Adilabad District, standing in the name of Sri.Katturi Gangadhar S/o.K.Sudarshan vide Regd. Gift Settlement Deed Doct.No.1440/1982 dated 9.8.1982, bounded by North, Plot No.12, South Plot No.14, East, Road, West.Plot No.7, under the SARFEASI Act is illegal, arbitrary, violation of Principles of Natural Justice and-violation of Fundamental Rights guaranteed Under the Constitution of India and contrary to the provisions of SARFAESI Act and set-aside the same and consequently direct the respondent not to dispossess/interfere with the peaceful possession of the petitioners property from the above said premises.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in issuing the e-auction Notice dated 03.08.2020 under SARF'AESI Act, 2002 conducting E-auction on 09.09.2020 against the properties (1) Open place relating to H.No.5-7-20/2, measuring 203.11 Sq.Yds. or 169.89 Sq.Mtrs., situated in Ward No.6, Block No.7, Bukthapur, Adilabad District within the limits of Municipality, Adilabad, standing in the name of Sri.Katturi Gangadhar S/o.K.Sudarshan, Gift Settlement Deed Doct.No.1075/2003 dt.15.4.2003, bounded by North: Remaining Open Space of Dono, South: Road, East: House of Kannayalal, West: House of Praneet Reddy and Shruthi (2) Open Plot No.164 in Sy.No.15/A, admeasuring 222.20 Sq.Yds. (40x50=2000 Sft) and open space without number measuring 20x40=800 Sft of 88.8 Sq.Yds. in Sy.BNo.15/A, within one four

boundaries, situated at Khanapur Village,' Anukunta Mandal, Adilaba District Standing in the name of Sri.katturi Gangadhar S/o.K.Sudarshan, Registered Sale Deed Doct.No.746/2003 dated 10/3/2003, and bounded by North: Plot No.152, South: Road, East: Plot No.165, West: Road (3) Open plot No.165 in Sy.No.15/A, admeasuring 222.20 Sq.Yds. (40x50=2000 Sft) and open space without number measuring 20x40=800 Sft of 88.8 Sq.Yds. in Sy.No.15/A, within one four boundaries, situated at Khanapur Village, Anukunta Mandal, Adilaba District Standing in the name of Smt.Katturi Jayasree W/o.Katturi Gangadhar, Registered Sale Deed Doct.no.747/2003 dated 10/3/2003 bounded by North: Plot No.153, South: Road, East: Road, West: Plot No.164 (4) Open Plot No.12 in Sy.No.13, admeasuring 200 Sq.Yds. (30x50=1500 Sft) or 167.227 Sq.Mtrs. situated at Dasanpur Village, Mavala Mandal, Adilabad District, Standing in the name of Sri.Katturi Gangadhar S/o.K.Sudarshan, Gift Settlement Deed Doct.No.1074/2003 dt.15/4/2003, bounded by North: Plot No.11, South: Plot No.13, East: Road, West: Plot No.6 and (5) Open Plot No.13 in. Sy.No.13, admeasuring 200 Sq.Yds. (30x60=1800 Sft.) or 167.227 Sq.Yds. situated at Dasanpur village, Mavala Mandal, Adilabad District, standing in the name of Sri.Katturi Gangadhar S/o.K.Sudarshan vide Regd. Gift Settlement Deed Doct. No.1440/1982 dated 9/8/1982, bounded by North: Plot No.12, South: Plot No.14, East: Road, West: Plot No.7, till disposal of main Writ Petition.

Counsel for the Petitioner: SRI. NAGESHWAR RAO PUJARI

Counsel for the Respondent: SRI M. SRIKANTH REDDY, SC FOR SBI

The Court made the following: ORDER

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.14751 OF 2020

ORDER:*(per Hon'ble Sri Justice A.Rajasheker Reddy)*

Heard Sri Nageshwar Rao Pujara, learned counsel for the petitioner and Sri M. Srikanth Reddy, learned Standing Counsel for the respondent Bank.

Learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition.

Recording the aforesaid submission of the learned counsel for the petitioners, the Writ Petition is dismissed as withdrawn.

There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any, pending shall stand closed.

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Nageshwar Rao Pujari Advocate [OPUC]]
2. One CC to Sri. M. Srikanth Reddy, SC FOR SBI [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:04/09/2020



ORDER

W.P.No.14751 of 2020

DISMISSING THE WRIT PETITION
AS WITHDRAWN
WITHOUT COSTS

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MMA
D 09/9/2020.