

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

THURSDAY, THE THIRTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE JUSTICE G. SRI DEVI
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION NO: 12344 OF 2021

Between:

1. Malika Begum, W/o. Mohd Saleem Khan, Aged 42 years, Occ. Housewife, R/o.1-5-66/ 2, Behind Police Station, Bholakpur, Musheerabad, Hyderabad-500020.
2. Mohd. Saleem Khan, S/o. Mohd.Hameed Khan, Aged 47 Years, Occ. Business, R/o.1-5-66/2, Behind Police Station, Bholakpur, Musheerabad, Hyderabad-500020.

...PETITIONERS

AND

The Secunderabad Co-Operative Urban Bank Ltd., 1-4-908/7/2/B/1 to 4, Musheerabad, Hyderabad-500020. rep. by Authorized Officer.

...RESPONDENTS

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 pass order or orders or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declare the Order dt.03/05/2021 in IA No.362/2021 in SA No.94/2020 passed by Debt Recovery Tribunal-1, Hyderabad, directing the petitioners to pay again Rs.20.00 lakhs by 17/05/2021, even after complying the original order dt.03.12.2020 with a delay of 4 days in payment of Rs.2.00 lakhs, out of Rs.3,50,000/-, as illegal, arbitrary and unconstitutional and consequently set aside the said order dt.03/05/2021 passed by Debt Recovery Tribunal-1, Hyderabad, and the auction conducted by the respondent on 15/12/2020 in respect of schedule property, in clear violation of provisions of SARFAESI Act and Rules, 2002, even receipt of substantial amounts from the petitioners.

IA NO: 1 OF 2021

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 grant stay of all further proceedings of the respondent pursuant to the Collector and District Magistrate, Hyderabad District orders vide Proceedings. No.Rev/B1/RRAC/001/2021 dt. 17/02/2021, including registering the Sale Certificate in favour of the purchaser, pending disposal of the present Writ Petition.

Counsel for the Petitioners: SRI. T. VIJAYA KUMAR

Counsel for the Respondent: SRI V. DHARMA SURI

The Court made the following: ORDER

THE HON'BLE JUSTICE G. SRI DEVI

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO.12344 OF 2021

ORDER: {Per the Hon'ble Justice G. Sri Devi}

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking a Writ of Mandamus to declare the order dated 03.05.2021 in I.A.No.362 of 2021 in S.A.No.94 of 2020 passed by the Debt Recovery Tribunal-1, Hyderabad ("the DRT" for short), as illegal, arbitrary and unconstitutional.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent-Bank.

During the course of arguments, learned counsel for the petitioners submitted that in compliance of the orders passed by the DRT, the petitioners have already deposited a sum of Rs.5,00,000/- within the stipulated time and seeks time to deposit the balance amount of Rs.15,00,000/-.

In the light of the submissions made by the learned counsel for the petitioners, a further period of four (4) weeks from today is granted to the petitioners to deposit the balance amount of Rs.15,00,000/- (Rupees fifteen lakh only), as directed by the DRT in its order dated 03.05.2021 in I.A.No.362 of 2021 in S.A.No.94 of 2020.

With the said observation, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

SD/- K.VENKAIAH
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Authorized Officer, Secunderabad Co-Operative Urban Bank Ltd., 1-4-908/7/2/B/1 To 4, Musheerabad, Hyderabad-500020.
2. One CC to Sri T. Vijaya Kumar, Advocate [OPUC]
3. One CC to Sri V. Dharma Suri, Advocate [OPUC]
4. Two CD Copies

CHR

YK

VACATION COURT

HIGH COURT

DATED:13/05/2021

ORDER

W.P.No.12344 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

mwC
19-5-21