

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

**THURSDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

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

WRIT PETITION NO. 24006 OF 2020

Between:

Sri. Palakurthi Nikesh Kumar, S/o. P. Veeresham, Aged about 36 Years, Occ: Business,
R/o. Door No. 12-11-171, Brahmin Street, Warasiguda, Secunderabad - 500 061.

...PETITIONER

AND

Indian Bank, Rep. by its Authorized Officer, Secunderabad Branch, Situated at # 201,
Karan Centre, SD Road, 1st Floor, Secunderabad - 500 005,

...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 direction more particularly in the nature of Writ of Mandamus or any other appropriate writ, order by setting aside the orders dated 10.12.2020 in SA No 175 of 2020 which is filed by the petitioner in pursuance of the E-Auction sale notice dated 24.09.2020 fixing the auction 11.12.2020 without following the procedure contemplated under the Act and the same is to be declared as illegal, null and void Consequently direct the Debts Recovery Tribunal to pass orders on merits in SA No 175 of 2020.

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 pursuance of the E-Auction sale notice dated 24.09.2020 the auction conducted 11.12.2020 including issuance of the sale certificate and registration of the same.

Counsel for the Petitioner: SMT HAMSA DURGA PONNAM

Counsel for the Respondents: --

The Court made the following: ORDER

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

Writ Petition No.24006 of 2020

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

This Writ Petition is filed by the petitioner seeking to issue a direction more particularly writ of Mandamus or any other appropriate writ, by setting aside the order dated 10.12.2020 passed in I.A.No.2199 of 2020 in S.A.No.175 of 2020 by the Debts Recovery Tribunal-II, Hyderabad wherein the tribunal granted stay subject to the petitioner herein depositing of Rs.5,00,000/- within a period of a week and another Rs.5,00,000/- within a period of three weeks thereafter, from the date of the order.

Learned counsel for the petitioner submits that the petitioner has complied with the said order with some delay. Meanwhile, the bank has taken possession of the properties. As such, the present Writ Petition is filed.

Even according to the learned counsel for the petitioner, though the petitioner complied with the order of the tribunal with some delay, the respondent - bank has taken possession of the property. When it is so, the petitioner should have approached the tribunal with an appropriate application seeking extension of time and for re-delivery of the property. Instead of doing so, the petitioner has filed the present Writ Petition before this Court.

In view of the above, the Writ Petition is disposed of granting liberty to the petitioner to file an application before the tribunal seeking appropriate relief since said S.A.No.175 of 2020 is still pending before the tribunal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Authorized Officer, Indian Bank, Secunderabad Branch, Situated at 201, Karan Centre, SD Road, 1st Floor, Secunderabad - 500 005.
2. The Debts Recovery Tribunal - II, Hyderabad.
3. One CC to Smt Hamsa Durga Ponnani, Advocate [OPUC]
4. Two CD Copies.

MP

HIGH COURT

DATED:07/01/2021

ORDER

WP.No.24006 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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[Signature]
22/01/2021