

HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SMT DR.JUSTICE G.RADHA RANI

WRIT PETITION No.30924 of 2022

Date:10.08.2022

Between:

M.Sriramulu S/o.Narayana,
Aged about 52 yrs, Occu : Business,
R/o.Plot No.20, Road No.4,,
IDA Mallapur, Hyderabad

.....Petitioner

And

The Union Bank of India,
Malkajgiri Branch,
D.No.10-17/3, Mirzalguda.
Malkajgiri, Hyderabad 500 033,
Represented by its authorised officer

.....Respondent

The Court made the following:

**HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SMT DR.JUSTICE G.RADHA RANI**

WRIT PETITION No. 30924 of 2022

ORDER : *(Per Hon'ble Sri Justice P.Naveen Rao)*

Heard Sri V.Ramakrishna Reddy, learned Counsel for the petitioner and M/s.V.Dyumani, learned Standing Counsel appearing for the respondent-Bank.

2. Petitioner is the borrower. This writ petition is filed challenging the notice issued by the Advocate Commissioner on 05.07.2022 on the order of Chief Metropolitan Magistrate at Hyderabad in CrI.M.P.No.68 of 2022, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act').

3. Challenging the very same notice, petitioner filed S.A.I.R.No.794 of 2022 before the Debts Recovery Tribunal-II at Hyderabad (for short 'the Tribunal'). Contending that the Tribunal was not functioning, this writ petition is instituted.

4. The Court is informed that the Tribunal is now functioning. Therefore, we are not inclined to keep the writ petition pending.

5. Accordingly, the Writ Petition is disposed of. This Court granted interim stay on 28.07.2022 against handing over possession subject to petitioner depositing 15% of the amount due within four weeks from that date. The said interim stay shall continue for a further period of eight (8)

weeks from today and it is open to the petitioners to prosecute S.A.I.R.No. 794 of 2022 pending before the Tribunal. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

10th August, 2022
Rds

DR. G.RADHA RANI, J