

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

TUESDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 21868 OF 2017

Between:

Sri. J.Rajender, S/o. Late J.Ramakrishna, aged 42 years, Occ Business Prop., of Sri Matha Manikeshwari Paints Shop No. 5, H No. 17-85, Annapurna Complex Dilsukhnagar, Hyderabad, TS

...PETITIONER

AND

1. The Liquidator, The Jawahar Co-op Urban Bank Ltd., Off H No.2-1-566/6 to 9, First Floor Nallakunta, Hyderabad, TS-500 044
2. The Sale Officer, The Jawahar Co-op Urban Bank Ltd., Dilsukhnagar, Hyderabad, R R Dist., TS Off H No.2-1-566/6 to 9, First Floor Nallakunta Hyderabad, TS -500 044

...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 issue an appropriate writ, order or directions more particularly one in the nature of writ of Mandamus, declaring the action of respondents and their subordinates, in visiting petitioners shop premises i.e., M/s.Sri Matha Manikeshwari Paints , shop situated at H No. 17-85, shop No.5 , Annapurna Complex, Dilsukhnagar, Hyderabad District, TS on 30-05-2017 and threatening to take away the material from the shop and obtaining the undertaking letter from the petitioner forcibly for agreeing to pay the due amount under overdraft loan facility alleged to be availed by deceased J Naresh through OD A/c.No.139 from The Jawahar Co op Urban bank Ltd., under the guise of Demand Notice(Distrain Order) dated.08-08-2013 in E P No.02/2003- G , without proceeding against the legal heirs of deceased J Naresh for recovery, is illegal, arbitrary, without due process of law and violation of articles 12 and 14 of Constitution of India and consequently direct the respondents and their subordinates, not to insist/force the petitioner in any manner to pay the due amount under overdraft loan facility

alleged to be availed by his brother deceased J Naresh under the guise of undertaking letter dated.30-05-2017 obtained forcibly from the petitioner

I.A. NO: 1 OF 2017(WPMP. NO: 26910 OF 2017)

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 direct the respondents and their subordinates, not to insist/force the petitioner in any manner to pay the due amount under overdraft loan facility alleged to be availed by his brother their deceased J Naresh under the guise of undertaking letter dated.30-05-2017 obtained forcibly from the petitioner, pending disposal of above W P

Counsel for the Petitioner: SRI. BETHI VENKATESWARLU

Counsel for the Respondents: ----

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.21868 of 2017

ORDER:

Learned Counsel appearing for the petitioner submits that no further orders are necessary in this matter and the cause in the Writ Petition does not survive and thereby, the Writ Petition has become infructuous.

2. Recording the aforementioned submission, the Writ Petition is dismissed as infructuous. There shall be no order as to costs.

As sequel to it, Miscellaneous Petitions, if any pending, shall stand closed.

//TRUE COPY//

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

JCM
SECTION OFFICER

- To,
1. One CC to SRI. BETHI VENKATESWARLU, Advocate [OPUC]
 2. Two CD Copies
B M
GJP

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HIGH COURT

DATED:13/08/2024



ORDER

WP.No.21868 of 2017

DISMISSING THE WRIT PETITION AS INFRUCTUOUS
WITHOUT COSTS

4 Copies
Sms
27/9/24