

:PRESENT:

AND
THE HONOURABLE SRI JUSTICE A.V. RAVINDRA BABU
WRIT PETITION NO: 13584 OF 2023

between:

1. Gongada Hari Babu, S/o. Suryanarayana, Aged 53 Years, Occ- Business, R/o. D.No.11/318, Neela Mahal Road. Gudivada. Krishna District.
2. Smt. Gongada Meenakshi., W/o. Hari Babu. Aged 50 Years. Occ- Housewife. R/o. D.No.11/318. Neela Mahal Road, Gudivada, Krishna District.
3. Nallamothu Ramesh Babu, S/o. Narayana Rao, Aged 70 Years, R/o. D.No.11/305, Neela Mahal Road, Gudivada, Krishna District.

Petitioners

Petitioners

AND

1. Union of India, Rep. by its Secretary to Government of India, Ministry of Finance and Banking, New Delhi.
2. M/s. Sriram Finance Limited, Rep. by its C.E.O. and Managing Director, Administrative Office - 6th Floor, (level 2). Building No. Q2. Aurum Q Parc, Gen 4/1. TTC. Thane Belapur Road, Ghansoli, Navi Mumbai-400710, Maharashtra State.
3. The Authorized Officer and Branch Manager, M/s. Sriram Finance Limited, D.No.29-37-141, II Floor, Near Ramamandiram, Eluru Road, Vijayawada - 520002, N.T.R. District, Andhra Pradesh State.

Respondents

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 a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the Possession Notice dated 08.05.2023 issued by 3rd respondent, thereby demanding the petitioners to pay outstanding loan amount of Rs.14,04,139/- of Loan A/c. GUDVDTFI503300004 with 3rd respondent branch in spite of petitioners repaid Rs.32,06,677/- for the borrowed loan amount of Rs.20,00,000/- and arbitrarily taking Symbolic Possession of 2nd petitioner's RCC roofed residential house and site property consisting of Ground. First and Second Floor, constructed in land admeasuring Ac.72 Sq. yards, bearing Door No.11/316-A7, covered by Survey No.242, situated at 11th Ward, Ambedkar Nagar. Gudivada, Krishna District. under the premise of invoking the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as illegal, irregular, irrational, without jurisdiction and offends Articles 14, 21 and 300A of Constitution of India and consequently direct the respondents not to proceed with contemplated further steps in respect of petitioners' aforesaid property, covered by the said Possession Notice nor interfere with petitioners' peaceful possession over the said property in any manner.

IA NO: 1 OF 2023

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 suspend the operation of Possession Notice dated 08.05.2023 issued by 3rd respondent and consequently direct the respondents not to interfere in any manner with petitioner's possession over 2nd petitioner's RCC roofed residential house and site property consisting of Ground, First and Second Floor, constructed in land admeasuring Ac.72 sq. yards bearing Door No.11/316-A7, covered by Survey No.242, situated at 11th ward, Ambedkar Nagar, Gudivada, Krishna District, pending disposal of WP 13584 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri SARATH KUMAR D Advocate for the Petitioners and of Sri N. Harinath, Deputy Solicitor General of India for the Respondent No.1, the Court made the following

ORDER:

"Heard the learned counsel for the petitioners.

The learned counsel for the petitioners is permitted to take out personal notice to the respondent Nos.2 and 3 and proof of service shall be filed within a period of two (02) weeks from today.

List on 21.06.2023.

In the meanwhile, there shall be an order of *status quo* as on today to be maintained with respect to the subject property covered under the impugned possession notice dated 08.05.2023 subject to the condition that the petitioners shall pay 50% of the due amount as mentioned in the possession notice dated 08.05.2023 within a period of three (03) weeks from today.

In default, it stands vacated without there being any further order to that effect."

SD/- K J RAJA BABU

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary to Government of India, Union of India, Ministry of Finance and Banking, New Delhi.
2. The C.E.O. and Managing Director, M/s. Sriram Finance Limited, Administrative Office - 6th Floor, (level 2). Building No. Q2. Aurum Q Parc, Gen 4/1. TTC. Thane Belapur Road, Ghansoli, Navi Mumbai-400710, Maharashtra State.

3. The Authorized Officer and Branch Manager, M/s. Sriram Finance Limited,
D.No.29-37-141, II Floor, Near Ramamandiram, Eluru Road, Vijayawada -
520002, N.T.R. District, Andhra Pradesh State. (Addresses 1 to 3 by RPAD)
4. One CC to SRI. SARATH KUMAR D Advocate [OPUC]
5. One CC to Sri N. Harinath, Deputy Solicitor General of India [OPUC]
6. One spare copy

npc

HIGH COURT

BKM,J
&
AVRB,J

DATED:25/05/2023

LIST ON 21.06.2023.

ORDER

WP.No.13584 of 2023

STATUS QUO

