

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No.: W.P.No.15848 of 2023

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
	04.07.2023	<u>DVSS, J & DVR,J</u> <u>W.P.No.15848 of 2023</u> Notice before admission. Learned counsel for the petitioner is permitted to take out personal notice to the respondent Nos.1 & 2 by RPAD and file proof of service in the Registry. List on 25.07.2023. <u>DVSS,J</u> <u>DVR,J</u> <u>I.A.No.1 of 2023</u> Dispensed with for the present. <u>DVSS,J</u> <u>DVR,J</u> <u>I.A.No.2 of 2023</u> Heard learned counsel for the petitioner who is before this court stating that he has borrowed an amount of Rs.14,40,000/- on 29.09.2015 from respondent No.2-Magma Housing Finance (a public company with unlimited liability).	

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		However, Respondent No.1 has filed CrI.M.P.No.97 of 2023 before the Magistrate-cum-Principal Assistant sessions Judge, Nellore, Nellore District under section 14 of the SARFAESI Act seeking the Court's assistance for taking possession of the property belonging to the Petitioner. Learned counsel for the petitioner point out that on 13.01.2022 notice was issued by the respondent No.1 under section 13(2) and the addressees are residents of West Bengal. They have availed the loan of Rs.20,00,000/- from L & T Housing Finance Limited on 10.05.2017. Learned counsel for the petitioner points out that the notice does not pertain to the petitioner or to the loan availed by him from Magma Housing finance. Therefore, he submits that the further proceedings pursuant to the said notice are not sustainable in law. <i>Prima facie</i>, in the opinion of this court, learned counsel made out points which require further investigation. There shall be an interim order as prayed for restraining the respondents and their men in agents including the Advocate commissioner from taking coercive steps against the petitioner's property including the possession of the same bearing D.No.4-5-29 in Naidupet, Tirupati District. This order shall remain in force for a	

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		period of three (3) weeks. <u> </u> DVSS,J <u> </u> DVR,J Note: CC today B/o. ANS/NKA	