

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU
AND
THE HONOURABLE SRI JUSTICE DUPPALA VENKATA RAMANA

WRIT PETITION NO: 15116 OF 2023

Between:

Singareddy Hanimi Reddy, S/o. Anji Reddy, aged 45 years, Occ. Business,
R/o.D.No.91-2-6, 1st Line, N.G.O's Colony, Guntur, Guntur District

Petitioner

AND

1. Karur Vysya Bank Limited, Rep. by its Chief Manager, Lalapet Branch,
D.No.22-4-105, Lalapet, Guntur - 522 003, Guntur District.
2. The Authorized Officer, Karur Vysya Bank Limited, Lalapet Branch, D.No.22-
4-105, Lalapet, Guntur - 522 003, Guntur District
3. Ayilam Venkata Rao, S/o. Butchaiah, Aged 48 years, Occ. Business, R/o. Flat
No.15, Sri Vishnu Apartments, 2nd Line, Krishna Nagar, Guntur - 522 006

Respondents

WHEREAS the Petitioner above named through his Advocate SRI.T.LAKSHMI NARAYANA presented this Petition under Article 226 of the Constitution of India is filed 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 action of the 1st respondent bank in refusing to receive the crossed cheque bearing No.000108 dated 21-06-2023 for Rs.8,17,924.88 paisa drawn in favour of the 1st respondent by the petitioner for the discharge of the due debt amount of Rs.8,17,924.88 paisa in respect of the loan account of the 3rd respondent vide Loan Account No.1403753000002042, as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India, apart from being violative of principles of natural justice, by declaring that the debtor / 3rd respondent is entitled to reduce his burden of debt with the 1st respondent and consequently direct the 1st respondent to receive the cheque bearing No.000108 dated 21-06 - 2023 for Rs.8,17,924.88 paisa drawn in favour of the 1st respondent by the petitioner for the discharge of the due debt amount of Rs.8,17,924.88 paisa in respect of the loan account of the 3rd respondent vide Loan Account No.1403753000002042, and deliver back all documents relating to the mortgage / subject property to the petitioner forthwith.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI.T.LAKSHMI NARAYANA Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Chief Manager, Karur Vysya Bank Limited, Lalapet Branch, D.No.22-4-105, Lalapet, Guntur - 522 003, Guntur District.
2. The Authorized Officer, Karur Vysya Bank Limited, Lalapet Branch, D.No.22-4-105, Lalapet, Guntur - 522 003, Guntur District
3. Ayilam Venkata Rao, S/o. Butchaiah, R/o. Flat No.15, Sri Vishnu Apartments, 2nd Line, Krishna Nagar, Guntur - 522 006

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 12.07.2023, on which date the case stands posted for hearing.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay of all further proceedings for the sale of the residential Flat No.15, Sri Vishnu Apartments, bearing D.No.3-29/17/3, 2nd Line, Krishna Nagar, Guntur, Guntur District, within the jurisdiction of Guntur Municipal Corpo by the 1st respondent through e-auction sale, scheduled to be held on dt.28-06- 2023, pending disposal of the Writ Petition No.15116 of 2023, on the file of the High Court.

IA NO: 2 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 1st respondent to receive the cheque bearing No.000108 dated 21-06-2023 for Rs.8,17,924.88 paise drawn in favour of the 1st respondent by the petitioner for the discharge of the due debt amount of Rs.8,17,924.88 paise in respect of the loan account of the 3rd respondent vide Loan Account No.1403753000002042, subject to the result of the writ petition, pending disposal of the Writ Petition No.15116 of 2023, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

By an order dated 27.06.2023, this Court has permitted the learned counsel for the petitioners to serve the papers personally or through his authorized representative on respondent Nos.1 & 2. In view of the urgency involved in this matter. The writ petitioner has given an affidavit stating that he has approached the Bank at 3 P.M. to serve the notice along with the material papers, but the respondents have refused to receive the same. Relying on the

copy of the delivery report of the notice sent through DTDC, also learned counsel states that the respondents have received the notice.

In view of the issue of law raised apart from the conduct of the respondents, as the writ petitioner is willing to tender the entire due amount and is seeking redemption which is permissible under law, there shall be an interim direction directing the respondents not to take any further steps for sale of residential Flat No.15, Sri Vishnu Apartments, bearing D.No.3-29/17/3, 2nd Line, Krishna Nagar, Guntur, Guntur District, till 12.07.2023.

In the meanwhile, office is directed to issue notice to respondents.

SD/-U.SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Chief Manager, Karur Vysya Bank Limited, Lalapet Branch, D.No.22-4-105, Lalapet, Guntur - 522 003, Guntur District.
2. The Authorized Officer, Karur Vysya Bank Limited, Lalapet Branch, D.No.22-4-105, Lalapet, Guntur - 522 003, Guntur District
3. Ayilam Venkata Rao, S/o. Butchiah, R/o. Flat No.15, Sri Vishnu Apartments, 2nd Line, Krishna Nagar, Guntur - 522 006 (1 to 3 by RPAD along with a copy of petition and affidavit)
4. One CC to SRI.T.LAKSHMI NARAYANA Advocate [OPUC]
5. Two spare copy

SRL

HIGH COURT

DVSSJ & DVRJ

DATED:28/06/2023

NOTICE BEFORE ADMISSION

WP.No.15116 of 2023

INTERIM DIRECTION

