

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF AUGUST
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

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 off 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.

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 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, 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 petition coming on for hearing, upon perusing the Criminal Petition and the memorandum of grounds filed in support thereof and the earlier Orders of the High Court dated 28.06.2023 & 12.07.2023 and upon hearing the arguments of SRI.T.LAKSHMI NARAYANA, Advocate for the Petitioner and of Sri P RAJESH BABU, Advocate for Respondent Nos. 1 and 2, the Court made the following.

ORDER:

"Notice sent to the 3rd respondent through Court has been returned with an endorsement 'refused'. Thus, there is deemed service on the 3rd respondent.

— None appears for the 3rd respondent.

Learned counsel for the petitioner seeks time to file re-joinder to the vacate stay petition.

Post on 24.08.2023 finally and no further time will be granted.

Interim order granted earlier is extended till then."

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

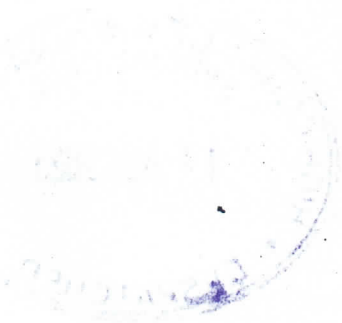
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For

SECTION OFFICER

To,

1. One CC to SRI.T.LAKSHMI NARAYANA Advocate [OPUC]
2. One CC to SRI.P RAJESH BABU Advocate [OPUC]
3. Two spare copy



HIGH COURT

DVSSJ & DVRJ

DATED:03/08/2023

POST ON 24.08.2023 FINALLY

ORDER

WP.No.15116 of 2023

INTERIM ORDER EXTENDED

