

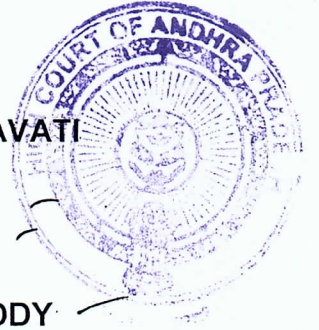
**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE ELEVENTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 21157 OF 2023



Between:

1. Karra Devedhu Rajababu, S/o. Late Appa Rao, aged 69 years, R/o. D.No.65/7-3/1, Backside of Sarada Temple, Opp, Adarsa Academy, Kakinada, East Godavari District.
2. Reddipalli Sridhar, S/o. Manikyala Rao, aged 42 years, R/o. D.No.7-11-42/1, M.G. Road, Gajuwaka, Visakhapatnam-530026.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur District.
3. The Additional Director General of Police, Crime Investigation Department, AP DGP Head Quarters, 1st Floor, Mangalagiri, Guntur District.
4. The Law (E) Department, 1st Block, 1st Floor, Interim Government Complex, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District.
5. The Commissioner and Inspector General of Registration and Stamps, D.No.5-59, R.K. Spring Valley Apartment, Edupugallu, Kankipadu Mandal, Vijayawada, Andhra Pradesh.
6. Secure Investment Making Services (SIMS), D.No.49-16-06, Near Thondam Vinayaka Temple, Lalithanagar, Visakhapatnam City Registered with Registrar of Firms, Visakhapatnam under Partnership Act, 1932 vide Regd.No.970/2009, dated 27-11-2009 rep. by its Directors, Kanamarlapudi Surendra Babu, K Surendra Gupta and Raghumudhri Tirumala Rao.
7. Kanamarlapudi Surendra Babu @ Surendra Gupta, S/o. Venkateswarlu, aged 48 years, Occ. Chief Managing Director of SIMS Group of Companies, R/o. Q.No.189/3, Dharmasakthinagar, Sector 3, MVP Colony, Visakhapatnam N/o. D.No.24215, Brahmin Bazar, Ponnuru Village, Guntur District.
8. Raghumudhri Tirumala Rao, S/o. R. Hemantha Swamy, Aged 40 years, Occ. Managing Director of SIMS, R/o. Baligam Village, Mandasa Mandal, Srikakulam District.

...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 writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the G.O.Ms.No.70 Home (General-B/A2) Department, dt.03.04.2014 and the G.O.Ms.No.70 Home (General-B/A2) Department, dt.03.04.2014 and the consequential orders dated 30-08-2017 in CrI.M.P.No.2083 of 2015 and dated 21.10.2019 in CrI.M.P.No.2904 of 2017 on the file of the Metropolitan Sessions Judge-Special Judge, Visakhapatnam under A.P. Protection of Depositors of Financial Establishment Act, 1999 as illegal and arbitrary and contrary to the provisions of A.P. Protection of Depositors of Finance Establishment

Act, 1999 consequently to set aside the same in so far as the Petitioners house plots bearing Plot nos.5 and 4, in Sy.No.17/18AA, AB,X,I,J,K,L,M,N,T,U,V,W of Sankarvarm Village, Anakapalli Mandal, Visakhapatnam district covered under sale deeds dated 04.09.2010 (Doc.No.2493 of 2010) and sale deed dated 04.09.2010 (Doc.No.2492 of 2010) in the interest of justice.

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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 stay all further proceedings pursuant to order dated 21.10.2019 in CrI.M.P.No.2904 of 2017 on the file of the Metropolitan Sessions Judge Special Judge, Visakhapatnam to try the cases under A.P. Protection of Depositors of Financial Establishment Act, 1999, Pending disposal of WP 21157 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 G Rama Gopal, Advocate for the Petitioner, Assistant GP for Home for the respondent Nos. 1 to 4 and of GP for Stamps and Registration for the respondent No.5, the Court made the following

ORDER:

“It is submitted by the learned counsel for the petitioners, acceded to by the learned Assistant Government Pleader for Home, that the issue involved in the petition is squarely covered by the order dated 05.5.2021 passed by this Court in W.P.No.8733 of 2021.

In view of the same and the reasons recorded in the order dated 05.5.2021 passed by this Court in W.P.No.8733 of 2021, there shall be interim stay of the order dated 21.10.2019 in CrI.M.P.No.2904 of 2017 on the file of the Metropolitan Sessions Judge-Special Judge to Try the cases under A.P. Protection of Depositors of Financial Establishments Act, 1999, Visakhapatnam, subject to the condition that the petitioners shall not alienate or create charge over the said property.”

//TRUE COPY//

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Metropolitan Sessions Judge-Special Judge, Visakhapatnam to try the cases under A.P. Protection of Depositors of Financial Establishment Act, 1999

2. The Principal Secretary, State of Andhra Pradesh, Home Department, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District.
3. The Director General of Police, Government of Andhra Pradesh, Mangalagiri, Guntur District.
4. The Additional Director General of Police, Crime Investigation Department, AP DGP Head Quarters, 1st Floor, Mangalagiri, Guntur District.
5. The Law (E) Department, 1st Block, 1st Floor, Interim Government Complex, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District.
6. The Commissioner and Inspector General of Registration and Stamps, D.No.5-59, R.K. Spring Valley Apartment, Edupugallu, Kankipadu Mandal, Vijayawada, Andhra Pradesh.
7. Directors, Kanamarlapudi Surendra Babu, K Surendra Gupta and Raghunadhri Tirumala Rao Secure Investment Making Services (SIMS), D.No.49-16-06, Near Thondam Vinayaka Temple, Lalithanagar, Visakhapatnam City Registered with Registrar of Firms, Visakhapatnam under Partnership Act, 1932 vide Regd.No.970/2009, dated 27-11-2009.
8. Kanamarlapudi Surendra Babu @ Surendra Gupta, S/o. Venkateswarlu, aged 48 years, Occ. Chief Managing Director of SIMS Group of Companies, R/o. Q.No.189/3, Dharmasakthinagar, Sector 3, MVP Colony, Visakhapatnam N/o. D.No.24215, Brahmin Bazar, Ponnuru Village, Guntur District.
9. Raghunadhri Tirumala Rao, S/o. R. Hemantha Swamy, Aged 40 years, Occ. Managing Director of SIMS, R/o. Baligam Village, Mandasa Mandal, Srikakulam District. (Addressee nos.2 to 9 by RPAD)
10. One CC to Sri G Rama Gopal, Advocate [OPUC]
11. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
12. Two CCs to GP for Registration and Stamps, High Court of Andhra Pradesh. [OUT]
13. Two CCs to Public Prosecutor (AP) High Court of Andhra Pradesh [OUT]
14. **One spare copy**

CVSS

HIGH COURT

SRKJ

DATED:11/10/2023

ORDER

WP.No.21157 of 2023

STAY

