

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE SIXTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:
THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

WRIT PETITION NO: 3472 OF 2025

Between:

M/s Omkaar Palace, A proprietorship business, situated at Main Road, Chikkadpally, Hyderabad, Rep. by its Proprietor Mr. Laxmandas, S/o Ramchand, Aged 60 yrs, Occ Business, R/o Mithai Apartments, H. No.3-5-906/1-104, Vithalwadi, Narayanguda, Hyderabad.

Petitioner

AND

1. Smt Archana Namdhari, Advocate Commissioner, R/o H. No.21-4-497/1, Charmahel, Petla Burj, Bahadurpura Road, Hyderabad.
2. M/s Shriram Finance Limited, (Formerly known as Shriram City Union Finance Limited), Through its Authorized Officer, Hyderabad.
3. Smt. Bennabathula Nagamani, W/o B. Siddartha, Aged 60 years, Occ Housewife, R/o H. No.1-1-213, Main Road, Chikkadpally, Hyderabad.

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 action of the respondents more particularly the respondent No.1 in issuing the Vacate Notice dated 22-01-2025 and directing the petitioner to vacate the petitioner's rented premises i.e., northern part of House bearing Municipal No.1-1-213, admeasuring 102 sq. yards, situated at Chikkapally main road, Chikkadpally, Hyderabad in pursuant to the commissioner's warrant passed in CrI. M.P. No.2926 of 2024 on the file of the Honble IX Addl. Chief Metropolitan Magistrate At Nampally, Hyderabad (copy not furnished to petitioner), without following due process of law and without issuing notice and without making the petitioner/tenant as a party to the impugned proceedings as illegal, arbitrary, contrary to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and violation of the Articles of Constitution of India and also amounts to violation of principles of natural justice and

consequently set aside the same and direct the respondent nos.1 and 2 not to evict the petitioner from the said premises without following due procedure,

IA NO: 1 OF 2025

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 grant stay of all further proceedings pursuant to the Vacate Notice dated 22-01-2025 issued by the respondent no.1 in respect of the petitioner's rented premises i.e., northern part of House bearing Municipal No.1-1-213, admeasuring 102 sq. yards, situated at Chikkapally main road, Chikkadpally, Hyderabad in pursuant to the commissioner's warrant passed in Crl. M.P. No.2926 of 2024 on the file of the Honble IX Addl. Chief Metropolitan Magistrate At: Nampally, Hyderabad including taking possession of the same, Pending disposal of WP 3472 of 2025, 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 M/s. P LAKSHMA REDDY Advocate for the Petitioner(s), and the Court made the following.

ORDER:

Rule nisi.

Call for records.

Issue notice, including personal notice, to the respondents.

After hearing learned counsel appearing for the petitioner, who is admittedly not named in the vacate notice dated 22.01.2025 which has been issued to the borrower of the respondent No.2 and the fact that the petitioner is also not a party to the loan agreement between the borrower and the respondent No.2, there shall be limited stay of the vacate notice dated 22.01.2025 only with regard to the part of the premises occupied by the petitioner.

List this matter on 10.03.2025.

//TRUE COPY//

**SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. Smt Archana Namdhari, Advocate Commissioner, R/o H. No.21-4-497/1, Charmahel, Petla Burj, Bahadurpura Road, Hyderabad.
2. The Authorized Officer, M/s Shriram Finance Limited, (Formerly known as Shriram City Union Finance Limited), Hyderabad.
3. Smt. Bennabathula Nagamani, W/o B. Siddartha, Occ Housewife, R/o H. No.1-1-213, Main Road, Chikkadpally, Hyderabad. (RR1 to 3 by RPAD)
4. One CC to M/s. P LAKSHMA REDDY, Advocate [OPUC]
5. One spare copy

HIGH COURT

**MBJ &
BRMRJ**

DATED:06/02/2025

LIST ON: 10.03.2025

ORDER

WP.No.3472 of 2025

STAY

