

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7251 of 2006

DATED: 13.4.2006

Between:

A.Sree Rama Chandra Murthy Petitioner

And

The Chief Executive Officer,

Kalinga Cooperative Urban Bank Ltd,

272-3RT- 102 Padmaja Apartments,

Sanjeevareddynagar, Hyderabad and 2 others Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 7251 of 2006

ORAL ORDER:

The present writ petition is filed questioning the attachment of salary of the petitioner in E.P.No. 156 and 157 of 2004 on the file of the third respondent.

The petitioner herein is working as Chief Administrative Assistant in Hindustan Petroleum Corporation Ltd. Mr.V.Suryachandra Rao and Smt V.Sita, obtained industrial loan of Rs.2,00,000/- and Rs.50,000/- from the first respondent bank in the year 2001, for which the petitioner stood as a guarantor. Since the due amount was not paid, the 3rd respondent issued certificates under Section 71 (1) of the A.P.C.S. Act (Act 7 of 1964) in Case No. 3751/2003-J1 dt 29.12.2003 and 3752/2003-J1 dated 29.12.2003. Thereafter, the first respondent initiated recovery proceedings in E.P. No. 156 and 157 of 2004. Apprehending that respondents may initiate recovery proceedings against the petitioner, the present writ petition is filed.

Heard the learned counsel for petitioner and perused the material available on record.

There is no service dispute involved in the present writ petition. Admittedly, the petitioner is guarantor to the subject loan.

Having stood as a guarantor he cannot question the action of the respondents in taking steps to recover the defaulted loan amount on the ground that respondents have other means to recover the due amount.

It is for the respondents to decide as to against whom they have to initiate proceedings and the same cannot be said to be an illegal action. More over, the salary of the petitioner is not yet attached and merely on an apprehension he has filed the present writ petition. Thus, the petitioner has not made out any case warranting interference of this Court.

The writ petition is devoid of any merit and accordingly the same is dismissed. If the petitioner is aggrieved by the attachment orders, if any passed by the respondents, he would be at liberty to pursue the remedies available to him under law. No costs.

N.V.RAMANA,J

DATE: 13.4.2006

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