

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10338 of 2004

Between:

K.S.H. Krishna, S/o. K.K. Subba Rao,
R/o. H.No. 3-4-57/3, Kota Galli, Nizamabad.

..... PETITIONER

AND

- 1 The Regional Officer, Bank of Maharashtra,
Rep by its Dy. General Manager, Banks Street, Hyderabad.
- 2 The Branch Manager, Bank of Maharashtra,
Nizamabad Branch, Nizamabad, Nizamabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any other order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the public notice dated 28-4-2004 for taking the possession of the plot bearing No. 39 in Sy.No. 374, 406, 407 admeasuring 385.92 sq. yards situated at Bhavani Nagar, Nizamabad as illegal arbitrary, and mala fide and against the principles of the natural justice and consequently direct the respondents to permit the petitioner to proceed the private sale to clear of the loan due to the respondents in the interest of justice and equity.

Counsel for the Petitioner: MR CH. JANARDHAN REDDY

Counsel for the Respondents: Standing counsel for Bank of Maharashtra

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, the Chief Justice)

The subject matter in this writ petition being contractual matter in which petitioner has taken loan from the bank and the bank apparently is trying to enforce its rights under the contractual obligations, filing of writ petition is misconceived. Leave and liberty is granted to the petitioner to avail other remedy under common law. Writ petition is dismissed.

DEVINDER GUPTA, CJ

G.ROHINI, J

30th June, 2004.

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ASSISTANT REGISTRAR

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