

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6776 of 2004

Between:

Dr.Ch.Huthasan Rao, S/o Ch.R.Subba Rao,
Chandrika Nursing Home, Butchaiah Thota, Guntur, Jr.CJC Guntur, Guntur District.

..... PETITIONER

AND

- 1 The Union of India, rep.by its Secretary, Ministry of Law,
Sastry Bhavan, R.P.Road, New Delhi.
- 2 State Bank of India, rep.by its General Manager,
Office at Bank Street, Koti, Hyderabad.
- 3 The Branch Manager, State Bank of India,
Nagaram Palem Branch, Guntur Town, Guntur District.

.....RESPONDENTS

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 a Writ or direction more particularly one in the nature of Writ of Mandamus striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and striking down Section 13,15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and to set aside the undated notice issued by the 3rd respondent under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, consequentially also to set aside the possession notice dated 12-03-2004 issued by 3rd respondent as illegal, arbitrary and violation of Constitution of India.

Counsel for the Petitioner:MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent Nos.2 and 3: Mr.M.Narender Reddy

The Court made the following :

ORAL ORDER: (per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ.

30th July, 2004 C.V.RAMULU, J

Tvr

To

- 1 The, Secretary, Union of India, Ministry of Law,
Sastry Bhavan, R.P.Road, New Delhi.
- 2 General Manager, State Bank of India,
Office at Bank Street, Koti, Hyderabad.
- 3 The Branch Manager, State Bank of India,
Nagaram Palem Branch, Guntur Town, Guntur District.
4. 2 CCs to the Sr.Standing Counsel for the Central Government, High
Court Buildings, Hyderabad, (OUT)
5. 2 CD copies.