

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 23685 OF 2019

Between:

1. Lalitha Nagar Colony Development and Welfare Association, Registered. No. 577/2018, Registered. Office at Plot No. 64, Pasumamula Village, Abdullapurmet Mandal, Ranga Reddy District, Represented by its President K.Satyanarayana S/o Late Mutyalu, Aged 66 years, Occ Business.
2. Smt. Gardasu Lavayna, W/o. G. Maheshwar, aged 38 Years, Occupation . House-Wife, R/o. H.No.11-3-664/238/A75, Near Raghava Garden, Sanjivapuram, Parsigutta, Secunderabad.
3. Makkapati Srinivas, S/o. M.S.R. Anjaneyulu, aged 41 years, LIC Development Officer, Plot No.56, Alivelu Manga Colony, Panagal Road, Nalgonda.
4. J. Raghavendra, S/o. J. Balakrishna Rao, aged 33 years, Occ . Business, R/o. H.No.1-77/57, Y.S.R. Colony, Beside Govt. School, Thattiannaram, Hayathnagar Mandal, Ranga Reddy District.
5. Paila Mahender Reddy, S/o. P. Sathi Reddy, aged 44 years, Occ . Business, Rio. H.No.8-16-82, Plot No.2, Road No.2, All India Radio Colony, Chintalkunta, L.B.Nagar, Ranga Reddy District.
6. Bhaskarla Laxman, S/o. B. Balaiah, aged 30 years, Occ Business, R/o. H.No.1-87, Vanjariwada, Edulabad Village, Ghatkesar Mandal, R.R.District.
7. Smt. Chatarasipalli Dhanalaxmi, Aged 47 years, Occ . House-Wife, R/o. Flat No.306, Gowthaminagar, Dilsukhnagar, Hyderabad.
8. Kota Ramesh Kumar, S/o. Late. K. Ram Mohana Rao, aged 53 years, Occ . Business, R/o. H.No. 16-39-21, Bhupativari Street, Salipet, Tenali, Guntur District.
9. Ananthoju Narsimha Chary, S/o. Venkaiah, aged 30 years, Occ . Pvt. Service, R/o. H.No.3-5-11011, Old Post Office Lane, L.B.Nagar, Hyderabad
10. Smt. K. Naramma, W/o. K. Narayana Age . 46 years, Occ . House-Wife, Rio. H.No.20-63/A, Sharada Nagar, Tirumalanagar, Saroornagar, R.R.Dt.
11. V.V. Durga Prasada Rao, S/o. Late. Venkateshwarlu, aged 71, Occ . Business, Rio. H.No.18-107/A, Kamalanagar, Road No.5, Chaitanyapuri, Dilsukhnagar, Hyderabad
12. Kadaru Upendar, S/o. Muthaiah, aged . 27 years, Occ . Pvt. Employee, Rio. H.No.2-49, Kondapuram Village, Chilkur Mandal, Nalgonda Dist.

13. Smt. Padamati Kavitha, W/o. P. Srinivasa Reddy, aged . 33 years, Occ . House-Wife,R/o. Ganesh Nagar Colony, Kuntloor Village
14. D. Lingamaiah, S/o. Narayana, Occ . Govt. Employee R/o. H.No.3-16-106/B/68, Venkat Reddy Nagar, Ramanthapur, Hyderabad
15. Smt. Pola Gangamma, W/o. P. Bixapathi, aged 45 years, Occ . House-Wife, H.No. 3-7-132-32, Venkata Ramana Colony, Mansoorabad, L.B.Nagar, Hyderabad 500 068
16. Smt. Musuku Jayamma, W/o. M. Krishna Reddy, aged 50 years Occ . House-Wife, Rio. 2-3-532, Road No.3, Sai Nagar Colony, Nagole, Hyderabad.
17. K. Madhavi, W/o. K. Venkat Reddy, aged 31 years, Occ . House-Wife, R/o. Plot No.40, Road No.5, SRL Colony, Kothapet, Saroornagar Mandal, R.R.Dist.
18. Smt. Basani Vijaya Velangini Shirisha, W/o. Allam Jithender Reddy, Occ . House Wife, R/o. H.No.2-26, Shyampet (V), Geesukonda (M), Warangal Dist.
19. Lade Yugender, S/o. Sambaiah, Aged . 26 years, Occ Agriculture, R/o. Laxmipur Village and Post, Duggodi Mandal, Warangal District.
20. Smt. Naga Ratna Linga Raj Honawad, W/o. Linga Raj Honawad, aged 30 years, Occ . House-Wife, R/o. Flat No.401, Imperial Garden Green Lands, Ameerpet. Hyderabad.
21. Chennepally Sarada, W/o. C. Ramachandra Reddy, aged 32 years, Occ . House-Wife, R/o. Flat No.304, Simhadri Towers, Madhavi Nagar, Kukatpally, Hyderabad 72
22. Smt. Ummalreddy Sumalatha, W/o. Karanathi Kumareddy, aged 30 years, Occ . House-Wife, R/o. Ravula penta (V), Vemulapally (M), Nalgonda
23. Smt. Dasyam Lakshmamma, W/o. Dasyam Rangaiah, aged 61, R/o. H.No.4-9-112, Brindavana Colony, Hayathnagar.
24. Mrs. Akbari Sultana, W/o. Abdul Rahman, aged . 40 years, Occ . House-Wife, R/o. Plot No.7 and 8, R.R.Nagar, Old Bowenpally, Hyderabad 500 011
25. Polimara Venkateswar Reddy, S/o. P. Anki Reddy, aged 47 years, Occ . Business, R/o. H.No.29-1503/8 Kakatiya Nagar, Neeredmet, Sec-bad
26. Sirigiri Chinna Venkateshwarlu, S/o. S. Ram Reddy, aged . 31 Years, Occ . Pvt. Service, Rio. H.No.29-150/8 Kakatiyanagar, Neeredmet, Sec-bad
27. Sirigiri Pedda Venkateshwarlu, S/o. Chinna Koti Reddy, aged . 34, Occ . Pvt. Service, R/o. H.No.29-150/8 , Kakatiyanagar, Neeredmet, Sec-bad
28. Smt. P. Vijaya Lakshmi, W/o. P. Venkatesh, aged 41 years, House Wife, R/o. H.No.8-2-80/22/2, Mallikarjuna Nagar Colony, Chinthalakunta, L.B. Nagar, Ranga Reddy Dist.
29. Smt. Billapati Suvama, W/o. B. Mohan Reddy, aged . 37 Occ . House-Wife, R/o. H.No.14-9-817 Lecturers Colony, Hayathnagar, R.R.Dist.
30. Sri. Thokala Velender Reddy, W/o. Bheshma Reddy , aged . 34 Occ . Pvt. Service, R/o. H.No.1-60 Buddaram (V), Nalgonda (M) and Dt
31. Kukutlapally Satyanarayana, S/o, Mutyalu, aged 66 Years, Occ . Business, H.No.7-1/0/1, Madhurapuri Colony, Dilsukhnagar, Hyderabad
32. Kamuni Srinivas Rao, S/o. Hanmaiah, Govt. Employee H.No.2-3-647/1/160 New Prem Nagar, Amberpet, Hyderabad
33. Pusa Yellaiah, S/o. P. Rajayya, aged 47 Years Occ . RTC Employee R/o. H.No.13-6-454/11/A, Heera Nagar Karwan, Hyd.

* 34. Sama Thirmal Reddy, S/o. Late. Sama Venkat Ram Reddy, Age 45 years, Occ . Retd. Employee R/o. 3-92/9/1, Plot No.98/ , Shiva Balaji Nagar, Kuntloor Village, Hayathnagar, Ranga Reddy Dist.

35. Gowri Srinivas, S/o. G. Ramaiah, Age 61 years, Occ. Retd. Employee, H.No.2-67 Pasumamula Village, Abdullapur Mandal, R.R. Dist.

36. Kandimalla Mohan Reddy, S/o. ChinnaMalla Reddy, age 41 years Occ . Business, R/o. 1-1-11, Bhongiri Road, Chityal Village, Nalgonda Dist.

37. Korampally Madhavi Reddy, W/o. Jonnala Gadda Praveen Kumar Reddy, age 26 years, Occ. Pvt.Service R/o. H.No. 11-13-109/1/5, Vasavi Colony, Road No. 1, R.K. Puram, Kothapet, Hyderabad.

38. Smt. J.K. Vijaya Lakshmi, W/o. J.N. Kanaka Raja, age 31 years, R/o. 7-1-1062, Shankar Veedhi, Secbad.

39. Y. Bhashkar Reddy, S/o. Y. Ram Reddy, age 46 years, Occ . Business, R/o. H.No.1-9-202/7/1, Near Ramalaya Temple, Ram Nagar, Hyderabad.

40. Mrs. Rizwana Begum, W/o. Mohd. Fareeduddin, aged 39,Occ . House-Wife, R/o. H.No.3-4-47/4, Rajendra Nagar, Ramanthapur, Hyderabad 13

41. Smt. Jilla Sumathi, W/o. J.N. Vijaya Rao R/o Chikkadpalli, Hyderabad .

42. M. Mahendar Reddy, S/o. Malkonda Reddy, age . 28, Occ . Service, H.No.29-1449/4-3, Plot No.18, Kakatiyanagar, Neredmet, Secunderabad

43. Nalavelli Bhikshpathy, S/o. N. Mallaiah, aged 44 years, Occ . Business, R/o. Plot No.41/A, Defence Colony, Anmagal Hayathnagar, R.R. Dist.

44. T. Suresh Kumar, S/o. T. Narsimha Rao, age 43 years, Occ . Business, R/o. Plot No. 25, MIG SBH Road, Vanasthalipuram, Hyderabad 500070

45. Kalvoju Nithyananda Swamy, age 42 years, S/o. K. Narayana, Occ. Govt. Employee, R/o. B9 Eastern Colony, Srishailam Project Sundipenta Kurnool,

46. Smt. S. Sunitha, W/o. S. Satyanarayana, age 28 years, Occ. House Wife, R/o.H.No.5-5-1014, Mallikarjuna Nagar, Chinthal Kunta, L.B. Nagar, Ranga Reddy Dist.

47. Smt. Rapolu Lavanya, W/o. R. Laxmi Narayana, age . 39, Occ . House-Wife, Rio. H.No.12-63, Cherlapally (V), Nalgonda Man. and Dist

48. Smt. Pola Aswini, aged 36 years, Occ . House-Wife, C/o H.No. 3-7-132-32, Venkata Ramana Colony, Mansoorabad, L.B.Nagar, Hyderabad 500 068

49. Yanala Krishna Reddy, S/o. Yella Reddy, age 23 years, Occ . Electrion, R/o. Bendalaphad Village, Palle Phad Post Narkatpally Mandal, Nalgonda Dist.

50. Smt. Mittakanthi Sujatha, W/o. M. Madhusudan Reddy, age 46 years, Occ. House Wife, R/o. Plot No. 13 and 14, Flat No.202, Pochamma Bagh, Cherukuthola Colony, Saroornagar Hyderabad.

51. M. Madhusudan Reddy, age 51 years, Occ. Business R/o. Plot No. 13 and14, Flat No.202, Pochamma Bagh, Cherukuthola Colony, Saroornagar Hyderabad

52. Vanam Naga Raju, S/o. Papaiah, age 25 years, Occ . Pvt Employee, R/o. 1-11-17, Shanthi Nagar Colony, Medak Town and Dist.

53. Smt. Jannapu Reddy Madhavi Reddy, W/o. J. Mahender Reddy, Age 43 years, Occ . House Wife, R/o. H.No. 12-11-1390/1/1, Sanjay Gandhinagar, Boudha Nagar, Secunderabad.

54. Kurmachalam Madhusudan, S/o. K. Narayana, age 50 years, Occ Govt. Service, R/o. H.No.7-2-583, Mankammathota, Karimnagar

55. Nalla Rajaiah, S/o Narayana, aged about 51 yearsrs, Occ. Bank employee, R/o H.No. 10-3/43, Siripuram Colony, Bommakul, Karimnagar.

56. Vanam Siddi Ramulu, S/o. Venkaiah, age 32 years, Occ . Pvt. Employee, R/o. H.No.1-9-4-A/2/A/6, Azampura Medak Town.

57. Smt. Kotha Anuradha, W/o. Kotha Krishna Goud, age . 33 Occ . House-Wife, Rio. H.No.2-46, Bandaravirala (V), Hayathnagar (M), R.R.District

58. Smt. Y.N. Sushma, W/o. Y.R. Naga Krishna, age 31, Occ. House wife, R/o. Rubu 405, Sri Sai Ram Manor Kamalapuri Colony, Phase II, Hyderabad.

59. Smt. CH. Archana, D/o. CH. Rathaiah, age 24 years, Occ . Student, R/o. Plot No. 74, SBH Colony, L.B Nagar, Hyderabad

60. A. Rajasekhara Raju, S/o. A. Satyanarayana, aged 43 years R/o. H.No.40-104/B, Gowthaminagar Vanasthalipuram, Hyderabad.

61. T. Limbadri, S/o. T. Ramachandram Age . 52 years, Occ . Business, R/o. H.No.2-2-2/1-1, O.U. Road, Vidyanaagar, Hyderabad

62. Smt. K. Madhavi, W/o. K. Ravinder Kumar, age 32 years, Occ . Bank Employee R/o. H.No.7-110/1, Madhurapuri Colony, Dilsukhnagar, Hyderabad.

63. K.Kattaiah, S/o. Laxminarayana, Age . 49 years, Occ Pvt. Service, R/o. H.No.15-13-131, New L.B.Nagar, Hyderabad.

64. M.R. Sunil Kumar, S/o. M.R. Babu Rao, age . 33 years, Occ . Bank Employee, R/o Hyderabad

65. Jella Srinivas, Jella Sathyanarayana S/o. Narsimha, Occ . Pvt. Service, R/o. H.No.1-516, Prabhathnagar, Kothapet, Hyderabad

66. Pillalamarri Krishna, S/o. Ramchandraiah, Occ . Business, R/o. H.No.9-276, Santoshnagar, Chityal, Nalgonda Dist.

67. P. Shailaja, W/o. PLS Srinivas Age . 34 Years, Occ . House-Wife, R/o. Plot No.110, Kalyan Nagar, Phase-I, S.R.Nagar, Hyderabad

68. D. Krishna Murthy, S/o, D. Venkateshwarlu, age . 43 year Occ . Business, R/o. D.No.22-20-5, R.R.Nagar, Wood Nagar, Chirala, Prakasham Dist. 523 155

69. V.Praveen, S/o. V. Satyanarayana, age . 26 years Occ . Pvt. Service, R/o. H.No.16-11-418/3/2, Laxmi Nilayam, Moosarambagh, Dilsukhnagar, Hyderabad.

70. Namila Konda Laxmi, W/o. Venkatesham, aged . 41 Years, Occ . House-Wife, R/o. H.No.11-13-107/8, Margadarshi Colony, R.K.Puram X Road, Saroomagar, Hyderabad 35

71. Mudigonda Rajani, D/o. M. Ashok, age . 33 Years, Occ . Pvt. Service, R/o. H.No.7-68, Madhurapuri Colony, Dilsukhnagar, Hyderabad

72. Mudigonda Nanditha, D/o. M. Ashok, age . 32 Years, Occ . Pvt. Service, R/o. H.No.7-68, Madhurapuri Colony, Dilsukhnagar, Hyderabad

73. Thirumani Kishan, S/o. T. Gangaiah, age . 42 years, Occ . Business, Rio. H.No.5-4-144, Kapuwada,Karimnagar.

...PETITIONERS

AND

1. Oriental Bank of Commerce, Branch at Regency Plaza, Maitrihbar Area, Gayatri Nagar, Plot No.3, Ameerpet, Hyderabad-500 038, Represented by its Chief Manager

2. M/s Sree Hanuman Electricals, (Partnership Firm) Reg. of 144, Ayodhya Colony, Opp Saradha Theatre, A.S.Rao Nagar, Ranga Reddy District.
3. K.Sudarshan Reddy, S/o K.Konda Reddy, Managing Partner, aged 48 years, Occ Business, R/o Plot No. 501, A-Block, Viswa Sai Residency, Seshadri Nagar, Kurnool.
4. K.Vijayalakshmi, W/o K.Sudarshan Reddy, Aged Major, Occ Business, R/o Plot No. 501, A-Block, Viswa Sai Residency, Seshadri Nagar, Kurnool
5. S.Harish Kumar Reddy, S/o S.Malla Reddy, Aged Major, Occ Business, Konidala Village, Nandikotkur Mandal, Kurnool, Andhra Pradesh
6. B.Kshatrapathi Reddy, S/o B.Padnianabha Reddy, Aged Major, Occ Business, R/o flat No. 601, Netaji Apartment, Sunkesula Road, Kurnool-518 004, A.P.
7. Gurram Buchi Reddy, S/o Late G.Sathi Reddy, Aged 57 years, Occ Business, R/o H.No. 2-82, Kuntloor Village, Hayathnagar Mandal, Ranga Reddy District.
8. Reserve Bank of India, Department of Banking Regulation, Central Office , 12th Floor, Shahid Bhagathsing Marg, Mumbai 400001
9. Union of India, Represented by its Principle Secretary Ministry of Finance, Banking Division.

...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, Orders or Directions more particularly one in the nature of Writ of Certiorari calling for the records relating to the Orders dt 09.08.2019 passed by the Debts Recovery Tribunal-**H** Hyderabad in S.A.No.154 of 2018 and quash the same in so far as not declaring all the proceedings initiated by the Respondent No.1 under SARFAESI Act in respect of the Plots in Survey.No.407, 408 and 412 situated at Pasumamula Village and not declaring that the Respondent No.7 has no right, title and interest in Ac.15.08 Gts in Survey No.407 of Pasumamula Village in Abdullapur Mandal, Ranga Reddy District as the said property was sold by the father of the Respondent No.7 Late Gurram Satti Reddy and his brother late Gurram Anji Reddy prior to December, 1980 and not punishing the authorised officer of the Respondent No.1 under Section 29 of the SARFAESI Act and awarding costs and compensation to the Petitioners as arbitrary, illegal, capricious and violative of principles of natural Justice and against the provisions of SARFAESI Act and Security Interest (Enforcement) Rules, 2002 and consequently to declare that the Respondent No.1 has no valid mortgage / security interest in the SA schedule property and award the cost of

Rs.50.00 Lakhs towards prosecuting / Defending litigation and Award compensation of Rs.10.00 Crores against the Respondent No.1 for illegally exercising the powers under SARFAESI Act in respect of the plots sold in 1980 three decades prior to the mortgage and punish the Authorised Officer of the Respondent No.1 with imprisonment for a term which may extent to one year or with fine or with both as contemplated under Section 29 of the SARFAESI Act for contravention of the provisions of the Act and against the provisions of Section 13,14, 17 (3) and Section 29 of the SARFAESI Act.

IA NO: 1 OF 2019

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 initiated by the Respondent Bank under the provisions of SARFAESI Act and direct the Respondent No.1 to7 not to interfere with the Possession and enjoyment of the Plots of the members of the Petitioner No.1 in Survey No. 407,408 and 412 situated at Pasumamula Village, Abdullapurmet Mandal, Ranga Reddy District.

IA NO: 2 OF 2019

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 direct the Respondent No.8 and 9 who are the regulatory authorities of the Respondent No.1 to conduct a high level enquiry on the illegalities committed by the Respondent No.7 and its Bank officials in collusion with the Respondent No.2 to 7 while accepting mortgage of the property from Respondent No.7 who had no right title and interest and in trying to dispossess the Petitioner No.1 and its plot owners by misusing the provisions of SARFAESI Act and initiate appropriate action against the Respondent No.1 and its officials.

Counsel for the Petitioner : SRI V.MURALI MANOHAR

Counsel for the Respondent No.1 : MRs.KALPANA EKBOTE

Counsel for the Respondent No.2to7 :

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Counsel for Respondent No.8&9 : SRI GADI PRAVEEN KUMAR, DY.SOL.GEN

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.23685 of 2019

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. V.Murali Manohar, learned counsel for the petitioners.

2. In this writ petition, the petitioners have assailed the validity of the order dated 09.08.2019 passed by the Debts Recovery Tribunal-II at Hyderabad.

3. Learned counsel for the petitioners fairly submits that against the aforesaid order, an appeal lies under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before the Debts Recovery Appellate Tribunal. He submits that the petitioners shall take recourse to the remedy of appeal within a period of eight weeks from today.

4. In view of the aforesaid submission, it is directed that for a period of eight weeks, the interim order granted

earlier in this writ petition, if any, shall continue and in case the petitioners file an appeal within the aforesaid period of eight weeks from today, the Debts Recovery Appellate Tribunal shall extend the benefit of Section 14 of the Limitation Act, 1963, to the petitioners.

5. With the aforesaid liberty, the writ petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD-V. KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Reserve Bank of India, Department of Banking Regulation, Central Office, 12th Floor, Shahid Bhagat Singh Marg, Mumbai 400001
2. The Principal Secretary, Ministry of Finance, Union of India, Banking Division.
3. One CC to SRI V. MURALI MANOHAR, Advocate. [OPUC]
4. One CC to SRI KALPANA EKBOTE, Advocate. [OPUC]
5. One CC to SRI GADI PRAVEEN KUMAR, (Deputy Solicitor General of India), High Court for the State of Telangana at Hyderabad. [OPUC]
6. Two CD Copies.

BSK

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HIGH COURT

DATED:30/04/2024

ORDER

WP.No.23685 of 2019

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**



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