

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWELFTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR



IA No. 1 OF 2023
IN
WP NO: 990 OF 2023

Between:

1. Jalajakshi Madhupada, W/o, B. Prasad, Hindu, Female, aged.34 years, Occupation. business, R/o.D.No.9-41-41/A, Pithapuram Colony, Maddilapalem, Visakhapatnam, Visakhapatnam District.
2. Prasad Bobbara, , S/o. Appa Rao, Hindu, Male, aged.39 years, Occu.business,R/o.D.No.9-41-41/A, Pithapuram colony, Maddilapalem, Visakhapatnam. Visakhapatnam District.
3. Appa Rao Bobbara,, S/o late Paidaiiah, Hindu, Male, aged.60 years, Occ. Pvt.employee, R/o.D.No.9-41-41/A, Pithapuram Colony, Maddilapalem, Visakhapatnam, Visakhapatnam District.
4. Varahamma Bobbara,, W/o. B. Appa Rao, Hindu, Female, aged.53 years, Occ. Pvt. employee, R/o.D.No.9-41-41/A, Pithapuram Colony, Maddilapalem, Visakhapatnam. Visakhapatnam District.
5. Bhavani Traders, rep. by M. Jalajakshi, MIG 203, Mithilapuri, Vuda Colony, P.M. Palem, Ward No.4, Visakhapatnam. Visakhapatnam District.

Petitioner

AND

1. Union Of India, rep. by its Secretary to Government, Finance and Banking) New Delhi.
2. Cholamandalam Investment and Finance Company Ltd., rep. by its Managing Director, Corporate Office. No.2, Dare House, 1st floor, NSC Bose Road, Chennai - 600 001.
3. Cholamandalam Investment and Finance Company Ltd.,, Rajendranagar Branch, Visakhapatnam rep. by its Authorised Officer, Sri Sudhakara Rao Raghupatruni.

...Respondents

Counsel for the Petitioner :B P RAJU

Counsel for the Respondent No.1 : Sri P Yagnadutt

Counsel for the Respondent No.2 & 3: ---

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 of all further proceedings in pursuance of impugned E-auction notice dated.30-12-2022 therein conducting E-auction for sale of petitioners' Residential house in an extent of 98.67 sq.yards or 82.49 sq.mtrs together with R.C.C house measruing 620 Sq.ft bearing D.No.9-41-41/A, Municipal Asst.No.41710, Water Tax Asst.No.42027, covered by Survey No.1/1A1/1A,

Waltair Ward situated at Shivajipalem area within the limits of Greater Visakhapatnam Municipal Corporation area Pending disposal of WP No. 990 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

“Heard Sri B.P. Raju, learned counsel for the petitioners and perused the record.

Learned counsel for the petitioners contends that the respondent No.2 issued E-Auction Notice dated 30.12.2022 fixing the E-Auction date and time on 07.02.2023, but in the light of the Orders of the concerned Chief Metropolitan Magistrate at Visakhapatnam, the respondents are taking possession of the house wherein the petitioners are residing. If possession is taken by the respondents before conducting auction proceedings, the learned counsel for the petitioners submits that the entire family of the petitioners’ has to be stand on the roads.

Considering the grievance of the petitioners and in view of the facts and circumstances of the case, in the prima facie opinion of this Court, interim order has to be passed to protect the interest of the petitioners by imposing certain conditions to meet the interest of justice.

Accordingly, there shall be interim stay of all further proceedings pursuant to the impugned E-Auction Notice dated 30.12.2022 on condition of the petitioners depositing 50% of the outstanding due as on date within a period of three weeks from today. ”

Sd/- K.J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary to Government, Finance and Banking, New Delhi, Union Of India.
2. The Managing Director, Cholamandalam Investment and Finance Company Ltd., Corporate Office. No.2, Dare House, 1st floor, NSC Bose Road, Chennai - 600 001.

3. The Authorised Officer, Sri Sudhakara Rao Raghupatruni,
Cholamandalam Investment and Finance Company Ltd.,,
Rajendranagar Branch, Visakhapatnam (No's 1 to 3 by RPAD)
4. One CC to SRI. B P RAJU Advocate [OPUC]
5. One CC to SRI. P Yagnadutt, Counsel [OPUC]
6. **One spare copy**

PSR

HIGH COURT

**DEVJ
DR VRKKSJ**

DATED:12/01/2023

ORDER

**IA No. 1 OF 2023
IN
WP NO: 990 OF 2023**

INTERIM STAY

