

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)



TUESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 15830 OF 2012

Between:

R. Rama Lakshmi, D/o. P. Venkateshwar Rao, Hindu, female, Aged 40 Years,
R/o. Door No. 30-11-13/1, Dhaba Gardens, Visakhapatnam - 20.

...PETITIONER

AND

Andhra Bank Housing Finance Ltd., Rep.By V.President , 1st Floor, Andhra
Bank Building, Maharanipecta, Visakhapatnam.

...RESPONDENT

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 any Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in attempting to disposes the petitioner from her house bearing door No. 39-3-15/3, situated in an extent of 337 sq. yards situated at Muralinagar, Visakhapatnam on 15-5-2012 and 17-5-2012 at 11:00 a.m respectively and attempting to put locks and seals to the said house and on her resistance threatening by phone calls to take possession at any cost and at any time by brining further men and material without any manner of right to do so over her property as it is not the security asset to the house loan of her divorced husband R.V. Syamsunder Rao and without issuing any notice under section 13(2) and section 13(4) of The Securitization and Reconstruction of it financial assets and enforcement of security interest Act 2002 even if the respondent bank's claim is true for argument sake

without admitting the same, as illegal, arbitrary, capricious and violative of Article 300 -A of Constitution of India and also violative of principles of natural justice and consequently to direct the respondent not to resort to disposes the petitioner from her house property without following due process of law.

I.A. NO: 1 OF 2012(WPMP. NO: 20408 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondent bank not to disposes the petitioner from her house bearing door No. 39-3-15/3, situated in an extent of 337 sq. yards situated at Muralinagar, Visakhapatnam pending disposal of writ petition.

Counsel for the Petitioner : SRI N (P) ANJANA DEVI SATYANARAYANA

Counsel for the Respondents: SRI HANUMANTHA RAO BACHINA

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

TUESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 15830/2012

Between:

R. Rama Lakshmi, Visakhapatnam - 20.

...PETITIONER

AND

Andhra Bank Housing Finance Ltd Rep By V President
Vskptnm

...RESPONDENT

Counsel for the Petitioner:

1.N (P) ANJANA DEVI SATYANARAYANA

Counsel for the Respondent:

1.HANUMANTHA RAO BACHINA

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 15830/2012****ORDER:**

When the matter was listed on 24.10.2024, there was no representation on behalf of the petitioner. Hence, the matter was directed to be listed today i.e., 29.10.2024 under the caption "For Dismissal".

The petitioner is challenging the proceedings issued by the respondent *vide* Lr. No.100/342/HL00940067, dated 05.12.2002, issued without any prior notice under Section 13(2) and Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002). Pending Writ Petition, the respondent-Bank proceeded further and therefore, the cause in the present Writ Petition does not survive for further adjudication and the Writ Petition becomes infructuous.

Accordingly, the Writ Petition is dismissed as infructuous. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

**Sd/- P.VINOD KUMAR
ASSISTANT REGISTRAR**

PSA

SECTION OFFICER

To,

1. One CC to Sri N (P) Anjana Devi Satyanarayana, Advocate [OPUC]
2. One CC to Sri Hanumantha Rao Bachina, Advocate [OPUC]
3. Three C.D. Copies.

Cnr

HIGH COURT

DATED: 29/10/2024

ORDER

WP.No.15830 of 2012



**DISMISSING THE W.P. AS INFRUCTUOUS
WITHOUT COSTS**