

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

**THURSDAY, THE FIFTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION NO: 39352 OF 2016**

**Between:**

Debajanee Mohapatra, W/o: Debendra K Mohapatra, Aged about 37 years,  
Occ: housewife R/o C-44, Srinivasa Heights, Adarshnagar, Chilakanagar at  
Uppal, Rangareddy District, Hyderabad.

**...PETITIONER**

**AND**

1. Union of Inida, Represented by the Secretary Shastri Bhavan, A Wing Dr Rajendra Prasad Road New Delhi 110001
2. Ministry of Law and Justice, Represented by the Secretary Department of Legal Affairs Shastri Bhavan, A Wing Dr Rajendra Prasad Road New Delhi - 110001
3. Ministry of Finance, Represented by the Secretary Shastri Bhavan, A Wing Dr Rajendra Prasad Road New Delhi - 110001.
4. Ministry of Women and Child Development, Shastri Bhavan, A Wing Dr Rajendra Prasad Road New Delhi - 110001
5. National Commission for Women, Represented by the Chairperson Plot 21, Jasola Institutional Area New Delhi - 110025
6. HDFC House, represented by its Authorised Officer, 3-6-310, Hyderguda Road, Basheerbagh, Hyderabad - 29.
7. HDFC Bank,, Represented by its Branch Manager, Tarnaka Branch, Tarnaka, Hyderabad.

**(RR 6 and 7 cause title is amended as per Court Order dated 27.06.2017 in WPMP.No.25528/2017.)**

8. Debendra P Mohapatra, S/o: Sri Brundaban Mohapatra, Aged about 44 years  
Occ: Principal Scientist - E2, IICT Ministry of Human Resource Development,  
Hyderabad R/o Government Quarter E-13, Indian Institute of Chemical  
Technology colony, Habsiguda, Hyderabad - 500 062

**...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 or Direction more particularly one in the nature of a Writ of Mandamus declaring that the action of the 6<sup>th</sup> respondent Bank in not recognizing the Orders passed by the 111<sup>th</sup> Metropolitan Magistrate, RR Courts in CrI MP No 264/2015 and CrI MP No 1293/2016 in DVC No 29/2014 and instead initiating proceedings u/s 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by way of Cr1 MP No Sr NO 2559/2016 in the court of Metropolitan **Magistrate Cyberabad-Cum-I ASJ R.R District at L.B. Nagar**, Rangareddy Courts as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution and consequentially issue directions protecting an aggrieved women's right of residence in the shared household/matrimonial home, in cases pending before the Family Court or under the Protection of Women from Domestic Violence Act, from the Secured creditor taking possession under SARFAESI Act, 2002.

**(Prayer is Amended as per C.O. dt: dated 28-11-16 in WPMPNo.49788 of 2016)**

**I.A. NO: 1 OF 2016(WPMP. NO: 48498 OF 2016)**

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 6<sup>th</sup> respondent Bank to stay the proceedings pursuant to the Possession Notice dated 24-08-2016 and CrI MP Sr No 2559/2016 in the court of Chief Metropolitan Magistrate Cyberabad cum 1st ADJ, Rangareddy District Court at L.B. Nagar.

**Counsel for the Petitioners: SRI VASUDHA NAGARAJ**

**Counsel for the Respondent Nos.1 to 5: SRI GADI PRAVEEN KUMAR,  
DEPUTY SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent Nos.6 and 7: SRI A. BHASKER RAO,  
REPRESENTING FOR SRI B. RAVINDRA REDDY**

**Counsel for the Respondent No.8: SRI L. PRABHAKAR REDDY**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT PETITION No.39352 of 2016**

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

Ms. Vasudha Nagaraj, learned counsel for the petitioner.

Mr. A.Bhasker Rao, learned counsel representing Mr. B.Ravindra Reddy, learned counsel for respondent Nos.6 and 7.

2. Learned counsel for the petitioner submits that the cause in the writ petition does not survive for consideration.

3. The aforesaid submission is placed on record.

4. Accordingly, the Writ Petition is dismissed as infructuous.

::2::

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

SD/- K. SREE RAMA MURTHY  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To;

1. One CC to Sri Vasudha Nagaraj, Advocate [OPUC]
2. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor General Of India [OPUC]
3. One CC to Sri B. Ravindra Reddy, Advocate [OPUC]
4. One CC to Sri L. Prabhakar Reddy, SC[OPUC]
5. Two CD Copies

T J

*kp*

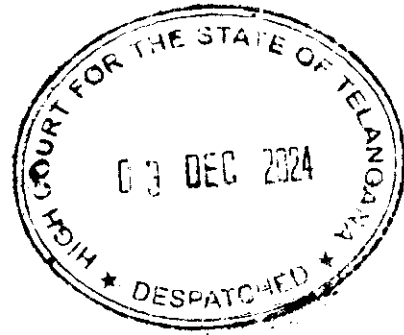
HIGH COURT

HCJ  
&  
JSR,J

DATED:05/09/2024

ORDER

WP.No.39352 of 2016



DISMISSING THE WRIT PETITION AS  
INFRACTUOUS  
WITHOUT COSTS.

*7 Copies*  
*lul*  
*2/12/24.*