

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

WEDNESDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 30826 OF 2024

Between:

1. Mir Asif Ali, S/o Mir Abid Ali, Aged 64 years, Occ. Business, R/o. H.No.2-5-30/C/601, V Floor, Classic Residency, Rajendranagar, Upperpally, Hyderabad.
2. Aditya Narayan Daliya, S/o Sri Gajadhar Daliya, Aged 31 years, Occ. Business, R/o. 14-5-371/A, Baidarwadi, Begumbazar, Hyderabad.

...PETITIONERS

AND

1. The Union of India, Rep. by its Principal Secretary, Ministry of Finance, New Delhi.
2. Canara Bank (Erestwhile Syndicate Bank), Badripur Branch, Sanga Reddy, Rep. by its Branch Manager.
3. C. Prabhakar Reddy, S/o. Balwant Reddy, Aged about 49 years, Occ. Agriculture, R/o. Algole Village, Zeheerabad (M), Sangareddy District.
4. C. Jaya Prakash, S/o. Chandrashekar, Aged 50 years, Occ. Business, R/o. H.No.3-6-15, Sri Ram Mohalla, Zeheerabad District, Sanga Reddy.

...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 writ, order or direction more especially one in the nature of Writ of Mandamus thereby directing the Respondent No.2 Bank to accept the payments from the petitioners and close the matter dispute amicably while settling the account of agricultural loan availed by the Respondent No.3 and handover the original documents to the petitioners being rightful owners of the property

IA NO: 1 OF 2024

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 in the recovery proceedings filed by the Respondent No.2 Bank vide RPA No.353/2022 in OA No.501/2019 before the Recovery Officer, Debt Recovery Tribunal-I, Hyderabad pending disposal of the writ petition.

**Counsel for the Petitioner: SRI. DINESH KUMAR GILDA REP
SRI DAMODAR MUNDRA**

**Counsel for the Respondent No.1: SRI GADI PRAVEEN KUMAR
Dy. SOLICITOR GEN. OF INDIA**

Counsel for the Respondent Nos. 2to4: ---

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.30826 of 2024

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

Mr. Dinesh Kumar Gilda, learned counsel representing Mr. Damodar Mundra, learned counsel for the petitioners.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for respondent No.1.

2. Heard on the question of admission.

3. In this writ petition, the petitioners *inter alia* seek a direction to respondent No.2-Canara Bank (hereinafter referred to as 'the Bank') to accept the payment due to it from the petitioners and to close the matter.

4. Facts giving rise to filing of this writ petition briefly stated are that respondent No.3 was the owner of

agricultural land measuring 5.00 guntas in Survey No.13/AA1, situated at Potpally Village, Jharasangam (M), Sanga Reddy District (hereinafter referred to as 'the subject land'). Respondent No.3 created a mortgage in favour of the Bank and obtained a loan. Thereafter, respondent No.3 sometime in the year 2012 sold the subject land to respondent No.4. Thereafter, again respondent No.4 sold the subject land to the petitioners by sale deeds dated 25.07.2013.

5. Respondent No.3 did not repay the amount of loan to the Bank. Thereupon the Bank initiated the proceeding for recovery of the amount. In the aforesaid proceeding, sometime in the year 2020, a decree was passed in favour of the Bank. The Bank initiated execution proceeding, which is pending before the Recovery Officer. In the aforesaid recovery proceeding, an auction notice is issued for sale of the subject land. Admittedly, the petitioners have filed claim petition before the Recovery Officer on 26 12.2023.

6. The sale in respect of the subject land has not been held till today. The petitioners have therefore filed this writ petition on 29.10.2024 seeking the relief that the Bank be directed to accept the payment from the petitioners and to close the matter in dispute amicably.

7. Learned counsel for the petitioners submitted that the petitioners are ready and willing to pay the amount due to the Bank and the Bank be directed to return the documents to the petitioners.

8. We have considered the submission made by learned counsel for the petitioners.

9. There is no privity of contract between the petitioners and the Bank. The Bank is not under any statutory obligation to accept the payment from the petitioners and to close the proceeding. Therefore, no writ of *mandamus* can be issued. However, liberty is reserved to the petitioners to take recourse to such remedy as may be available to them in law with regard to their grievance.

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10. With the aforesaid liberty, the Writ Petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

SD/- T. JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

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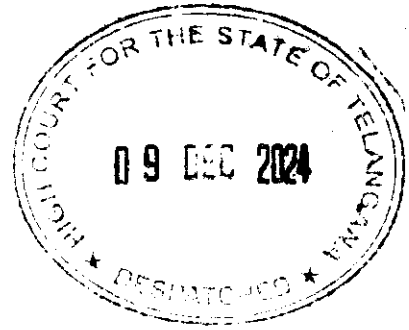
To,

1. The Principal Secretary, Union of India, Ministry of Finance, New Delhi.
2. The Branch Manager, Canara Bank (Erestwhile Syndicate Bank), Badripur Branch, Sarca Reddy
3. One CC to SRI. DAMODAR MUNDRA, Advocate [OPUC]
4. One CC to SRI. GADI PRAVEEN KUMAR Dy. SOLICITOR GEN. OF INDIA [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:06/11/2024



ORDER

WP.No.30826 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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22/11/24