

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

FRIDAY, THE TWENTY SEVENTH 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: 2999 OF 2024

Between:

1. M/s. Neemax Buildcon, a Proprietary Concern, having office at Plot No.14/4, Sri Venkateshwara Cooperative Industrial Estate, Survey No.299, 300, 306 and 307, IDA Jeedimetla, Hyderabad - 500 055, represented by its Proprietrix, V. Neelima, W/o. V. Ravi Kumar, aged about 48 years, R/o. Flat No.21, Lodha Bellezza, 4th Phase, Sy.No.1009P, Kukatpally, Hyderabad, Medchal - Malkajgiri District.
2. M/s. Mahalakshmi Estates, a registered partnership Firm rep.by its Managing Partner, Madhavaram Jagadeeshwar Rao, S/o. M.Pulla Rao, aged 67 years, R/o. Plot No. 11/P, 1234/P, Madhapur Main Road, Hyderabad.

...PETITIONERS

AND

1. M/s. Piramal Capital and Housing Finance Limited, rep. by its Authorized Officer, D.No.7-1-615, 616 and 617/A, Imperial Towers, 4th Floor, Units-1,2 and 8, Ameerpet Main Road, Hyderabad.
2. Harish Rawtani, S/o. Ramchand Rawtani, aged about 66 Years, R/o. Flat No.302, Maruthi Blossoms. H.No.6-3 -3 47/22/ 1 , Dwarakapuri Colony, Punjagutta. Hyderabad.
3. Ruchita Harish Rawtani, W/o. Harish Rawtani, aged about 59 years,

(Respondents 2 and 3 are R/o. Flat No.302, Maruthi Blossoms. H.No.6-3 -3 47/22/1 , Dwarakapuri Colony, Punjagutta. Hyderabad.

...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 of Mandamus or any other appropriate writ declaring that the action of the Pt respondent in not receiving the balance loan amount of loan Account No.00700011478 from the petitioners, having taken a part of the loan amount already (Rs.1.95 crores from out of Rs.5.5 crores) is arbitrary and illegal and direct the 1st respondent to accept the repayment of the balance loan amount

by the petitioners and on liquidation of the loan amount release the hypothecated title documents to the petitioners.

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 direct the 1st Respondent to accept the balance loan amount which was sanctioned in favour of the vendors of the petitioners vide Loan Account No.00700011478 and on liquidation of the said loan amount, release the Mortgaged title documents to the Petitioners, pending disposal of the Writ Petition.

**Counsel for the Petitioners: SRI VEDULA VENKATA RAMANA, SENIOR
COUNSEL FOR M/s BHARADWAJ ASSOCIATES
Counsel for the Respondent No.1: SIR G.NARAYANA FOR SRI R.RAJENDRA
PRASAD
Counsel for the Respondent Nos.2 & 3: ---**

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.2999 of 2024

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

Mr. Vedula Venkata Ramana, learned Senior Counsel representing M/s. Bharadwaj Associates for the petitioners.

Mr. G.Narayana, learned counsel representing Mr. R.Rajendra Prasad, learned counsel for respondent No.1.

2. In this writ petition, the petitioners *inter alia* seek the following direction:

“For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Honourable Court may be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the 1st respondent in not receiving the balance loan amount of loan Account No.00700011478 from the petitioners, having taken a part of the loan amount already (Rs.1.95 crores from out of Rs.5.5 crores) is arbitrary and illegal and direct the 1st respondent to accept the repayment of the balance loan amount by the petitioners and on

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liquidation of the loan amount release the hypothecated title documents to the petitioners and grant such other relief as it deems fit in the circumstances of the case.”

3. Facts giving rise to filing of this petition briefly stated are that the petitioners have entered into an agreement of sale-cum-General Power of Attorney dated 01.10.2023 with respondent Nos.2 and 3, who had mortgaged the property in question i.e., undivided land admeasuring 324.64 square yards from out of 649.64 square yards (1st petitioner) and the same extent of land of the 2nd petitioner in Plot No.11(P), 12 and 34(Part) of Rohini Layout, situated in Survey No.64 Part of Madhapur Village, Serilingampally Mandal, Ranga Reddy District, to avail of the loan from respondent No.1 institution. The petitioners were ready and willing to pay the entire amount which was due and payable by respondent Nos.2 and 3 to respondent No.1 institution. However, respondent No.1 institution refused to receive the amount from the petitioners. Thereupon the petitioners approached this Court seeking the aforesaid relief.

4. A Bench of this Court by an interim order dated 13.02.2024 permitted the petitioners to deposit the balance amount due and payable by respondent Nos.2 and 3 to respondent No.1 institution, which was made subject to outcome of the writ petition.

5. Learned counsel for respondent No.1 institution on instructions submits that the entire amount due and payable by respondent Nos.2 and 3 has been paid by the petitioners to respondent No.1 institution on 30.07.2024, 31.07.2024 and 20.08.2024. It is further submitted that respondent No.1 institution has no objection to return of the mortgage document to the petitioners in case this Court so directs.

6. The amount due to respondent No.1 institution has admittedly been paid by the petitioners in three instalments on 30.07.2024, 31.07.2024 and 20.08.2024. Therefore, respondent No.1 institution has no authority to retain the mortgage deeds. Respondent No.1 institution is directed to hand over the mortgage deeds to the petitioners

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within a period of one week from the date of receipt of copy of the order passed today.

7. Accordingly, the Writ Petition is disposed of.

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

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To

1. One CC to M/s BHARADWAJ ASSOCIATES, Advocate [OPUC]
2. One CC to SRI R.RAJENDRA PRASAD, Advocate [OPUC]
3. Two CD Copies

PSK.

BS

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HIGH COURT

DATED:27/09/2024

ORDER

WP.No.2999 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

EXcopy

Sms
14/10/24