

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

**WEDNESDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

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

WRIT PETITION NO: 365 OF 2025

Between:

Komatineni Koteswara Rao, S/o. Late K. Veeranjanyulu, Aged about 56 Years, Occ. Business, R/o. Flat No.505, H.No.6-1-16, Musheerabad Road, Dundoo Classic Towers, Padma Rao Nagar, Secunderabad-500 025

and now residing at 10620, W Hills Borough Ave, Apt. 302, Tampa, FL 33615, Unites States of America, represented by his General Power of Attorney, Dasari Seetha Ramulu, S/o. Dasari Venkat Ramaiah, Aged. 60 Years, Occ. Doctor, R/o.3-4-114/13/304, Lakshmi Nagar, Dwaraka Residency, Ramanthapur, Amberpet, Hyderabad, Telangana-13

...PETITIONER

AND

1. Union of India, Represented by Ministry of Finance, 3rd Floor, Jeevandeep Building, Sansad Marg, New Delhi - 110002.
2. M/s. Piramal Capital and Housing Finance Ltd., Rep. by its Authorized Signatory, Having office at 12-6-2/273/6 to 12, 3rd Floor, V C Plaza, Opp: BJP Office, Kukatpally, Hyderabad-500072, Telangana.
3. Mohd. Abdul Razzak, S/o. Mohd Abdul Gaffar, Aged about 61 Years, Occ. Business, R/o.H.No.10-1-131, Bara Imam Street, Siddipet, Medak District, Telangana-502 103
4. Parveen Akthar, S/o. Not known to the Petitioner, Aged. Major, Occ. Business, R/o.H.No.10-1-131, Bara imam Street, Siddipet, Telangana-502 103.

...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, Order or direction declaring the action of the 2nd Respondent Bank in proceeding with the measures U/s.13(4) of SARFAESI Act, 2002 and obtaining orders in Criminal M.P. No.442 of 2024 dated 18-11-2024 for appointment of Advocate Commissioner to take physical possession of the property bearing House no.16-

31-IXP-8, on Plot No.8, admeasuring 172.91 Sq. yards or 144.57 meters in Survey No.1009, consisting of Ground plus Four Upper Floors of 1600 Sq. feet built up area in each floor total admeasuring 6400 Sq. feet, situate at Phase-IX, K.P.H.B Colony, Kukatpally Village and Greater Hyderabad Municipal Corporation Circle, Balanagar Mandal, Ranga Reddy District, Telangana State inspite of the injunction orders passed in I.A. No.881 of 2019 in O.S. No.148 of 2019 on the file of the XV Addl. District and Sessions Judge, Ranga Reddy District at Kukatpally as arbitrary, illegal and set aside the same and consequently direct the 2nd Respondent Bank not to dispossess the Petitioner and his tenants from the premises bearing House no.16- 31-IXP-8, on Plot No.8, admeasuring 172.91 Sq. yards or 144.57 meters in Survey No.1009, consisting of Ground plus Four Upper Floors of 1600 Sq. feet built up area in each floor total admeasuring 6400 Sq. feet, situate at Phase-IX, K.P.H.B Colony, Kukatpally Village and Greater Hyderabad Municipal Corporation Circle, Balanagar Mandal, Ranga Reddy District, Telangana State pending disposal of O.S. No.148 of 2019 on the file of the III Addl. District and Sessions Judge, Medchal-Malkajgiri District at Kukatpally.

IA NO: 1 OF 2025

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 grant stay of dispossession of the Petitioner and his tenants from premises House bearing no.16-31-IXP-8, on Plot No.8, admeasuring 172.91 Sq. yards or 144.57 meters in Survey No.1009, consisting of Ground plus Four Upper Floors of 1600 Sq. feet built up area in each floor total admeasuring 6400 Sq. feet, situate at Phase-IX, K.P.H.B Colony, Kukatpally Village and Greater Hyderabad Municipal Corporation Circle, Balanagar Mandal, Ranga Reddy District, Telangana State pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI PRABHAKAR PERI

Counsel for the Respondent No.1: SRI K.RAJESH 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.365 of 2025

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

Mr. Prabhakar Peri, learned counsel for the petitioner.

Mr. K.Rajesh Reddy, learned counsel for respondent No.1 appeared through video conferencing.

2. Learned counsel for the petitioner seeks leave of this Court to withdraw the writ petition with the liberty to file an appeal against the order passed in a proceeding under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Writ Petition is therefore disposed of in terms of liberty as prayed for. Needless to state that it will be open for the petitioner to make an application seeking stay

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before the Debts Recovery Tribunal along with an appeal. Needless to state that in case an application seeking stay is filed, the Debts Recovery Tribunal shall decide the same within a period of three days from the date of receipt of such an application. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- T.VIJAY KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Ministry of Finance, 3rd Floor, Jeevandeep Building, Sansad Marg, New Delhi, Union of India - 110002.
2. One CC to SRI PRABHAKAR PERI, Advocate [OPUC]
3. One CC to SRI K.RAJESH REDDY, Advocate [OPUC]
4. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
5. Two CD Copies

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BS

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CC TODAY

HIGH COURT

HC, J
&
JSR, J

DATED: 08/01/2025



ORDER

WP.No.365 of 2025

DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

②
08/01/25
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