

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

WEDNESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 10792 OF 2009

Between:

1. M. Sivaramachandra Rao, s/o. M. Krishna Rao, C/o. M. Anil Kumar, Flat 104/3-6-226 Street No. 16, Himayathnagar, Hyderabad - 500 029
2. M. Rajeswari, W/o. M.S.Roa, C/o. M. Anil Kumar, Flat 104/3-6-226 Street No. 16, Himayathnagar, Hyderabad - 500 029

...PETITIONERS

AND

1. Union of India, Rep by the Secretary, Ministry of Law and justice, Shastri Bhawan, New Delhi.
2. Andhra Pradesh Industrial Developmnet Corporation Ltd., Parishrama Bhavan, Basheerbagh, Hyderabad Rep by its Managing Director
3. Andhra Pradesh State Financial Corporation, 5-9-194, Chirag Ali Lane, Abids, Hyderabad, Rep by its Managing Director
4. Industrial Development Bank Of India, 5-9-89/1 & 2, Chapel Road, PO Box No. 370, Hyderabad -1,
5. Y.S. Venkat Rao, S/o. Y. Joga Rao, Advocate, R/o. Vishnu Residency, Flat no. 1104, Block No. A, Municipal No. 1-1-770/A, Ghandhinagar, Hyderabad - 80
6. S. Kamal Kishore, S/o. Sri Govindalal Sarada, r/o. 14-7-235/236, Chudi Bazar, Hyderabad O/o. 15-8-129/13k, Chawala Building, Begum Bazarm 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, or order or directions particularly in the nature of a Writ of Mandamus declaring Section 8 of the Provincial Insolvency Act, (Act 5 of 1920) as illegal, arbitrary, contrary to law and violative of Articles 14 and 21 of the

constitution of India and non-est in the eyes of law and discriminative in nature if section 8 is to be interpreted as directing that no insolvency petition shall be presented by a debtor against that no insolvency petition shall be presented by a debtor against any corporation or association or company registered under any enactment for the time being in force.

I.A. NO: 1 OF 2014(WPMP. NO: 13613 OF 2014)

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 permit the petitioners herein to withdraw the WP No. 10792 of 2009 as against respondent No.3 Andhya Pradesh State Financial Corporation only in view of the settlement between the parties.

I.A. NO: 1 OF 2009(WPMP. NO: 13867 OF 2009)

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 Registry of List and post C.M.S.A. No. 33 of 2008 and C.M.S.A. No. 47 of 2008 along with this writ petition for final hearing before the Division Bench of this Hon'ble High Court.

Counsel for the Petitioner : SRI S.BALCHAND

Counsel for the Respondent No.1 : DY.SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2 : SRI P.V.RAVINDRA KUMAR

Counsel for the Respondent No.3 : SRI SREEMANNARAYANA VATTIKUTI

Counsel for the Respondents No.4to6: 7543/N VIJAY

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.10792 of 2009

ORDER:

Learned counsel Sri S.Balchand appears for the petitioners.

2. The writ petition is filed seeking the following relief:

“For the reasons mentioned in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ or order or orders or directions particularly in the nature of a Writ of Mandamus declaring Section 8 of the Provincial Insolvency Act Act, (5 of 1920) as illegal, arbitrary, contrary to law and violative of Articles 14 and 21 of the Constitution of India and non-est in the eyes of law and discriminative in nature if Section 8 is to be interpreted as directing that no insolvency petition shall be presented by a debtor against that no insolvency petition shall be presented by a debtor against any corporation or association or company registered under any enactment for the time being in force, and pass such other order or orders as this Hon’ble Court may deem fit in the circumstances of the case.”

3. Learned counsel for the petitioners seeks permission to withdraw the writ petition.

4. Accordingly, the writ petition is dismissed as withdrawn. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

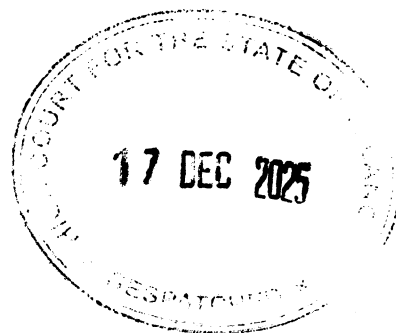
1. One CC to SRI S.BALCHAND, Advocate. [OPUC]
2. One CC to SRI SREEMANNARAYANA VATTIKUTI, Advocate. [OPUC]
3. One CC to Deputy Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
4. One CC to SRI P.V.RAVINDRA KUMAR, Advocate. [OPUC]
5. Two CD Copies.

BSK

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HIGH COURT

DATED:29/10/2025



ORDER

WP.No.10792 of 2009

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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