

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT PETITION No.10762 of 2014

ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This writ petition is filed by the petitioner challenging the e-Auction Sale Notice dated 7.1.2014 issued by the respondent-Bank in exercise of powers under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, proposing to sell the petitioner's house bearing Door No.85-34-3, Plot No.21, R.S.No.399/1, admeasuring 300 square yards, situated at Lolugunagar, Rajahmundry, East Godavari District.

2. In the counter affidavit filed by the respondent-Bank, while denying various allegations made in the writ petition, it is stated that pursuant to e-Auction Notice dated 7.1.2014, auction was conducted on 21.2.2014 and the subject property was sold for Rs.99.89 Lakhs, however, in view of pendency of S.A.No.11 of 2014 on the file of Debts Recovery Tribunal, Visakhapatnam, the sale certificate was not issued to the highest bidder. It is further stated that as the bidder wanted for refund of the deposit amount, the amount was refunded to him on 6.5.2014.

3. As it is stated in the counter affidavit that the respondents have refunded the bid amount to the highest bidder and are taking steps for issuance of fresh auction notice, the cause in this writ petition does not survive for adjudication.

4. Accordingly, this writ petition is dismissed as infructuous. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

22.06.2015.

Msr

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