

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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WRIT PETITION No.35802 of 2015

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

This writ petition is filed with the prayer, which reads as under:

“It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ or direction, more particularly a Writ in the nature of Mandamus declaring the action of the respondent in auctioning the property bearing House No.16-2-836/1 admeasuring 228.57 sq. yards situated in Press Colony, Saidabad, Hyderabad, without issuing any notice, contrary to the Act 54 of 2002 as illegal, arbitrary and unconstitutional and consequently direct the respondent not to proceed with auction of the property bearing House No.16-2-836/1 admeasuring 228.57 sq. yards situated in Press Colony, Saidabad, Hyderabad and be pleased to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

On the allegation that the petitioner has committed default in repayment of the loan amount, the respondent Bank has initiated proceedings under the provisions of SARFAESI Act, 2002. In this writ petition, it is the grievance of the petitioner that the respondent Bank is taking steps to auction the secured asset i.e., house bearing No.16-2-826/1, constructed in an area of 228.57 sq. yards, situated at Press Colony, Saidabad, Hyderabad, without issuing e-auction notice, and the same is contrary to the provisions of the SARFAESI Act.

On instructions, it is submitted by learned counsel appearing for the respondent Bank that though proceedings under SARFAESI Act are initiated, as of now no notice is issued for selling the secured asset by way of auction. It is further submitted that if the secured asset is to be sold, they will follow the due procedure as per law including issuance of necessary notice.

In the absence of any material to show that the respondent Bank has taken any steps to auction the property and in view of the statement made by learned counsel for the respondent Bank, we are of the view that this writ petition is filed only on mere

apprehension.

Hence, placing on record the statement made by learned counsel for the respondent Bank, the writ petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

04.11.2015

v v