

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.16445 of 2015

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

This writ petition is filed with the following prayer:

“...Hon'ble Court may be pleased to issue any writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring that intimation of Sale Notice dated 15.05.2015 and the 'E-Auction Sale Notice' dated 09.05.2015 published on 11.05.2015 by the Respondent Bank fixing the date of auction on 12.06.2015 under the SARFAESI Act and Rules 2002 as null and void as contrary to the provisions of the SARFAESI Act, 2002 and specifically Rules 8 and 9 of the Security Interest (Enforcement) Rules, 2002 and Article 14 and 300A of the Constitution of India and consequently declare that all the proceedings initiated by Respondent against the properties appended to the E-Auction Sale Notice as void, vitiated by law, illegal, arbitrary and unconstitutional and pass such other order or orders as may deem fit and proper in the circumstances of the case”.

When the matter is called for hearing, Mr. Ambadipudi Satyanarayana, learned Standing Counsel appearing for the respondent Bank, submitted that as there were no bidders on the date of auction, auction could not be conducted and that if re-auction is to be conducted, the respondent Bank will issue fresh notice by following the procedure contemplated under law.

In view of the above submissions, we are of the view that it is not necessary to go into merits of the matter for grant of the relief as prayed for.

Accordingly, the writ petition is disposed of placing on record the submissions made by the learned counsel for respondent. Further it is made clear that if fresh notice is issued by the respondent Bank, it is open to the petitioner to raise all the pleas that are raised in this writ petition. No order as to costs.

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

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

16.06.2015

v v