

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

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WRIT PETITION No.21665 of 2015
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ORDER: (*Per Hon'ble Sri Justice R. Subhash Reddy*)

In this writ petition, the petitioner has questioned e-auction notice, dated 06.06.2015, issued in exercise of powers under the SARFAESI Act, fixing the date of auction as 15.07.2015.

On the last occasion, learned Standing Counsel for the respondent – Bank has submitted that pursuant to the impugned auction notice, sale has taken place and sale certificate was also issued in favour of the third party auction purchaser.

The third party auction purchaser is not made party respondent to this writ petition. If the petitioner is aggrieved by the auction and issuance of sale certificate in favour of the third party auction purchaser, it is open to him to question the same before the Debts Recovery Tribunal by filing an application under Section 17 of the SARFAESI Act. Hence, in view of subsequent events and in the absence of auction purchaser being made party respondent to this writ petition, no relief as sought for can be granted at this stage.

Accordingly, the writ petition is dismissed granting liberty to the petitioner to approach the Debts Recovery Tribunal.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

09.12.2015

v v