

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

WRIT PETITION No.40480 OF 2015

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

This Writ Petition is filed with the prayer, which reads as under:

“... to issue any writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents No.2 in issuing auction notice on 13.11.2015 published in eenadu telugu daily for e-auction of Item No. 4 and 5, to be conducted on 14.12.2015, as illegal, arbitrary, null, void abinitio, without any title, unconstitutional, contrary to provisions of Act 2002 and rules made thereunder and authority and consequently direct the respondents to not to interfere with the peaceful possession of the petitioners in any manner and pass such other order or orders may deem fit and proper in the circumstances of the case.”

When the matter is called for hearing, it is submitted by

Sri A. Krishnam Raju, learned counsel appearing for respondent

No.2 – State Bank of Hyderabad, that pursuant to the impugned

e-auction sale notice, dated 12.11.2015, no bids are received and as such, the question of undertaking auction today as notified does not arise.

As auction is not going to be conducted today pursuant to the e-auction sale notice, dated 12.11.2015, there is no need to adjudicate this Writ Petition on merits.

Further, it is submitted by the learned counsel for petitioners that aggrieved by the impugned auction notice, petitioners have already filed an appeal before the Debts Recovery Tribunal.

As the petitioners have already filed an appeal aggrieved by the impugned auction notice, if they claim right and title over the secured assets, it is open to them to approach the Debts Recovery Tribunal by seeking amendment of prayer in the appeal already filed or by filing a fresh appeal.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

**R. SUBHASH
REDDY, J**

**A. SHANKAR
NARAYANA, J**

December 14, 2015
MD