

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

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WRIT PETITION No.20907 OF 2015

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

This Writ Petition is filed challenging the e-auction sale notice published on 24.05.2015 under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

The 2nd respondent has filed counter stating that pursuant to the impugned sale notice, wherein six properties were notified for sale, auction of one of such properties i.e., land admeasuring 406 Square Yards along with building constructed thereon in Plot Nos.97 and 80/part covered by Survey No.141 of SLNS Colony, Balapur Cross Roads, Hyderabad, standing in the name of one P. Ramalinga Reddy, was conducted and Sale Certificate was also issued in favour of third party auction purchaser. It is further stated that for the sale of remaining five properties, fresh auction notice was issued by fixing the date of auction as 28.08.2015.

It is contended by the learned counsel for petitioners that pursuant to the impugned sale notice, though auction was conducted and Sale Certificate was issued in favour of highest bidder, as the highest bidder has not deposited the sale price within the time stipulated as per the Security

Interest (Enforcement) Rules, 2002 (for short, 'the Rules'), the sale is illegal. It is further contended that during pendency of the Writ Petition, entire loan amount is cleared.

Even according to the petitioners, Sale Certificate is issued to the third party auction purchaser, but he is not made as a party respondent to this Writ Petition. Hence, it is not possible to examine whether such sale is in accordance with the Rules or not. If the petitioners are aggrieved by the sale of the property in question, it is open to them to challenge the same before the appropriate authority by impleading the auction purchaser, but no relief can be granted in this Writ Petition.

Accordingly, the Writ Petition is dismissed granting liberty to the petitioners to challenge the sale, if they are aggrieved. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

September 14, 2015

MD