

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

WRIT PETITION No.16740 of 2016

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ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioner in this case is as under:

'It is therefore prayed that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the auction notice dated 26.4.2016 issued by the respondent proposing to sell the petitioner's House in public auction even before expiry of 30 days statutory notice period under Rule 8(6) and 9(1) of the Security Interest (Enforcement) Rules 2002 and thereby proposing to dispose off the petitioners' house worth more than Rs.70 lakhs for a cheaper rate with reserve price of Rs 40 lakhs is illegal and arbitrary and violative of Article 14 and 300-A of the Constitution of India and to consequently set aside the auction notice published on 26.4.2016 in Times of India newspaper caused by the respondent against the petitioner's property at serial No.12 of the notification and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

By order dated 26.05.2016, this Court granted stay of confirmation of the proposed auction scheduled to be held on 27.05.2016. It is however stated by Smt. V. Dyumani, learned counsel for the respondent bank, that the said sale did not materialise as no bidders came forward.

In that view of the matter, the prayer in this writ petition, which is directed only against the afore-stated sale notice proposing to hold a sale/auction on 27.05.2016, does not survive for consideration on merits.

The writ petition is accordingly dismissed leaving all issues open for consideration.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:10.06.2016

GJ