

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

WRIT PETITION No.17271 of 2016

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

Heard Mr. T.V. Kalyan Singh, learned counsel for the petitioners, and Ms. V. Dyumani, learned counsel appearing for the Corporation Bank.

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

“For the reasons stated in the accompanying affidavit, the petitioners herein humbly prays that the Hon'ble Court may be pleased to issue appropriate writ, order or directions more particularly one in the nature of writ of Mandamus declaring the action of respondents in issuing public notice dated 07.05.2016 in Sakshi News papers (Nizamabad edition) for auction and sale of the petitioners bearing Plot No.32, in Survey No.266 of Nizamabad Shivar, Mandal and District Nizamabad and fixing the date of auction as 10.06.2016 under the provision of SARFAESI Act, 2002 as illegal, arbitrary and violative of Art 300 A of Constitution of India and consequently direct the respondents not to conduct the sale of the plot bearing Plot No.32, in Sy.No.266, Nizamabad Shivar, Mandal and Dist. Nizamabad on 10.06.2016 as published in Sakshi News Paper, Nizamabad edition dt.07.05.2016 in the interest of justice and pass order or orders as deemed fit and proper in the circumstances of the case.”

The sale notice published in Sakshi News Paper dated 07.05.2016 does not indicate the plot number as Plot No.32 and merely states to the effect that the extent sought to be put to sale is 850 square yards situated in Survey No.266 of Vinayaka Nagar, Ganeshboli in Nizamabad. The said plot is sought to be put to sale in relation to the liability to the Bank of one V. Kalavathi.

The grievance of the petitioners is that in the guise of the afore-stated sale notice, the bank officials are taking coercive measures against his plot which is Plot No.32 situated in the very same survey number.

Ms. V. Dyumani, learned counsel, would however state, on instructions, that the respondent - Bank is in no way concerned with

Plot No.32 in Survey No.266 of Vinayaknagar and that the sale sought to be effected would have no impact upon the petitioners who claim rights over Plot No.32.

The afore-stated stand of the bank as put forth by its learned counsel is taken on record.

In the light thereof, the writ petition does not survive for adjudication on merits and is accordingly closed.

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

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:03.06.2016

Note:

Furnish C.C. today.

(b/o)

GJ/PGS