

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND**

**THE HON'BLE SRI JUSTICE G.SHYAM PRASAD**

**Writ Petition No.2714 of 2016**

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**Dated 20<sup>th</sup> July, 2016**

**Between:**

Jammala Smitha Choudary

**.....Petitioner**

**And**

State Bank of India, Stressed Assets Recovery Branch, 2<sup>nd</sup> Floor,  
Upstairs of APSRTC Commuter Amenity Centre, Koti, Hyderabad  
rep.by its Chief Manager/Authorized Officer and others

**.....Respondents**

**Counsel for the petitioner: Sri Kondapalli Syam Sundar**

**Counsel for respondent No.1: Sri Podila Hari Prasad**

**Counsel for respondent No.2: Sri Ganesh Bhujanga Rao Vadduri**

**Counsel for respondent No.3: Sri Namavarapu R.Rao**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
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**ORDER:** (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for the following substantive relief:

“...to issue a Writ, Order or direction more particularly one  
in the nature of Mandamus, declaring the action of the 1<sup>st</sup>  
respondent in conducting the auction on 29.01.2016 by issuing e-  
auction notice vide auction ID No. 28406 in respect of vacant land  
to an extent of Ac.2.60 cents in Sy No. 23/2 situated at Rayapudi

Village, Guntur District without initiating any proceedings and without taking possession from the petitioner is illegal and void and opposed to Article 14, 19, 21 and 300-A of Constitution of India including provisions of SARFAESI Act, 2002 and consequently to direct the 1<sup>st</sup> respondent bank not to interfere with the peaceful possession and enjoyment of the petitioner agricultural lands in Sy No. 23/2 situated at Rayapudi Village, Guntur District, without due process of law.”

At the hearing, the learned counsel for the petitioner as well as Sri Podila Hari Prasad, learned counsel for respondent No.1, submitted that the auction purchaser has backed out of the auction proceedings rendering the sale abortive. Therefore, the prayer in the writ petition has become infructuous.

In the view of the above submissions of the learned counsel that the sale proceedings have become ineffective in view of backing out of the auction purchaser, no further adjudication of this writ petition is necessary. However, the petitioner is left free to approach respondent No.1 with fresh proposals for settling the dues.

Subject to the liberty given to the petitioner as above, the writ petition is dismissed as infructuous.

As a sequel to dismissal of the writ petition, WP.MP.Nos.3399 & 29376 of 2016 shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

**G.SHYAM PRASAD, J**

20<sup>th</sup> July, 2016  
VGB