

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.19524 of 2016

12.09.2016

Between:

M/s. Khammam District Cooperative Marketing Society Ltd.,
Khammam

..Petitioner

And

The Indian Bank, represented by its Authorised Officer,
Karimnagar and another

..Respondents

Counsel for the petitioner: Mr.Kowturu Pavankumar
for Mr.Kowturu Vinaya Kumar

Counsel for the respondents: Mr.Ambadipudi Satyanarayana

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *mandamus* to set aside the sale notice, dated 18.05.2016, issued by respondent No.1 proposing to conduct e-auction in respect of land admeasuring 15066 sq.yds. in plot No.6, H.No.3-9-125, 126, 127, 128, 129, 129/1 in survey No.123 of Khammam Revenue Village at Zaheerpura, Khammad.

2. On 20.06.2016, this Court passed the following interim order:

“No ground of challenge worthy of consideration is raised in the affidavit filed in support of this writ petition.

However, as Section 13(8) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, enables the borrower to discharge the outstanding dues so as to redeem the mortgaged asset, we permit the respondent bank to proceed with the sale proposed to be held on 24.06.2016 pursuant to the sale notice dated 18.05.2016. However, the bank shall receive 25% of the bid amount, if any, and not the balance amount for a period of one month thereafter. In the event, the petitioner society clears its entire outstanding dues to the respondent bank within the said period of one month i.e., on or before 23.07.2016, the bank shall not confirm the sale and shall report the factum of deposit by the petitioner society to this Court.

Post on 25.07.2016.”

3. Today, at the hearing, Mr.Kowturu Pavan Kumar, learned counsel representing Mr.Kowturu Vinaya Kumar, learned counsel for the petitioner, has submitted and which has been admitted by Mr.Ambadipudi Satyanarayana, learned standing counsel for the Indian Bank appearing for the respondents, that in pursuance of the aforementioned interim order, dated 20.06.2016, the petitioner paid the entire amount due to the respondents and that the latter have even issued no due certificate.

4. In the light of the above submissions, the cause in the writ petition does not survive for adjudication.

5. Accordingly, the Writ Petition is dismissed as infructuous.

6. As a sequel to dismissal of the writ petition, W.P.M.P.No.23951 of 2016 filed by the petitioner for interim relief shall stand disposed of.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

12th September, 2016
GHN

