

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.16529 OF 2016

ORDER:- (per Hon'ble Sri Justice P.Naveen Rao)

This writ petition is filed seeking to issue a writ of *Mandamus* by declaring the action of respondent No.1 in issuing impugned E-auction Sale Notice, dated 1.4.2016, and consequential inaction of the respondents in considering the representation, dated 5.5.2016, as illegal, arbitrary, violative of Articles 14, 19(1)(g), 21 and 300-A of the Constitution of India besides violative of the principles of natural justice; and consequently, set aside the said E-auction Sale Notice.

2. When the matter is taken up, learned Standing Counsel for the respondents produced the proceedings, dated 18.5.2016, and stated that the representation submitted by the petitioner on 5.5.2016 for One Time Settlement was rejected. He, therefore, submitted that there is no illegality in proceeding with the conducting of the auction.

3. Admittedly, the petitioner is in default and after following the due procedure, the respondent Bank has initiated the process of conducting auction to recover the dues. Thus, we see no illegality in the steps initiated by the respondent Bank. Furthermore, in view of the rejection of the request of the petitioner for One Time Settlement, the cause in this writ petition does not survive.

4. On that count, learned senior counsel for the petitioner submits that the petitioner may be given one more opportunity for One Time Settlement and the respondent Bank may consider the same before confirming the sale.

5. Learned Standing Counsel has no serious objection to such request provided petitioner makes a request within a day or two.

7. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE M.S.K.JAISWAL

B/O
AMD

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Date : 19.5.2016

AMD