

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

WRIT PETITION No.37171 of 2015

—

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

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

'Honourable Court may be pleased to issue writ in the nature of Mandamus, declaring the Sale Notice Dt Nil issued by under Rule 8(6) of Security Interest (Enforcement) Rules 2002 in respect of Flat No 104, 1st Floor, admeasuring 1015 Sq.feet along with undivided share of land admeasuring 30.00 sq. yards out of 685.00 sq.yards, Plot Nos. 10 & 11, in Sy. No. 125, Sandhya Towers, situated at Hydernagar Village, Kukatpally Municipality, Balanagar Mandal, Ranga Reddy District as unconstitutional, illegal, arbitrary, unjust and violative of principles of Natural Justice and set aside the same and pass such other order or orders as this Honourable Court deems fit and necessary in the justice and equity.'

Sri Bathula Raj Kiran, learned counsel for the respondent company, states that the undated notice issued by his client under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 (for brevity 'the Rules of 2002'), which is subjected to challenge in this writ petition, has not been acted upon and that in view of the same, the respondent company would initiate action afresh, if warranted, in accordance with the due procedure.

That being so, we are of the opinion that the challenge in this writ petition does not require consideration on merits as the sale notice dated 'Nil' issued by the respondent company has worked itself out owing to its failure to act thereupon within the stipulated time.

The writ petition is accordingly dismissed leaving it open to the petitioner to take recourse to appropriate remedies in accordance with law in the event the respondent company initiates action afresh under the Securitisation and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002 (for brevity 'the Act of 2002'), and Security Interest (Enforcement) Rules, 2002. All issues are left open including the validity of the proceedings initiated under Section 13(4) of the Act of 2002 and Rules 3 and 8(1) of the Rules of 2002.

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

**SANJAY
KUMAR, J**

**Dr. B. SIVA
SANKARA RAO, J**

Date:14.06.2016

GJ