

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT PETITION No.41084 of 2015

ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This writ petition is filed by the petitioner challenging the E-Auction Sale Notice dated 15.11.2015 issued by the respondent-Bank, in exercise of powers under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, proposing to conduct public auction on 18.12.2015 to sell the properties bearing Municipal No.1-10-177 and 177/A/5, undivided share of land admeasuring 31.37 square yards, out of 62.75 square yards with a built up area of 1801 square feet and car parking space bearing No.13 admeasuring 175 square feet on cellar floor, situated at Varun Towers, Begumpet, Hyderabad, and another property bearing No.1-10-177 and 177/A/5, undivided share of land admeasuring 31.37 square yards out of 62.75 square yards with a built up area of 1801 square feet and car parking space bearing No.12 admeasuring 175 square feet on cellar floor, situated at Varun Towers, Begumpet, Hyderabad, as arbitrary and illegal.

2. While issuing notice before admission, by order dated 17.12.2015, this Court granted interim stay, as prayed for, on condition of the petitioner depositing half of the amount mentioned in the impugned e-Auction notice within a period of four weeks from the date of passing of the said order.

3. When the matter is called for hearing, it is represented

by the learned counsel for petitioner that pursuant to the said interim order, auction was not conducted and the petitioner also has not deposited any amount in terms of the order dated 17.12.2015.

4. In view of the said submission, pursuant to the impugned Sale Notice dated 15.11.2015, since auction was not conducted, the cause in this writ petition does not survive for adjudication and the writ petition has become infructuous. Interim order granted by this Court on 17.12.2015 is vacated. However, as the amount is not deposited in terms of interim order dated 17.12.2015, it is open for the respondent-Bank to issue fresh notice and take further steps in accordance with law.

5. Subject to the above observation, this writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

18.01.2016.

Msr

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