

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

WRIT PETITION No.9083 of 2016

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

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

"The Hon'ble Court may be pleased to issue Writ or Direction or an Order which particularly in the nature of Writ of Mandamus declaring the action of the respondent Bank in conducting E-Auction on 24.03.2016 vide Tender/Auction Sale Notice Dt. 20.02.2016 against the petitioner's property being Site of land and building in 234.25 sq.yards under Sy.No.464, situated at Kolthur Village, Shameerpet Mandal, R.R. District standing in the name of petitioners, Bounded By: North: Land of I. Chandraiah, South: House of U. Chandriah and Road, East: Land of P.Ram Reddy and M. Rajaiah and West: Road, is illegal, arbitrary, violation of principles of natural justice and violation of Fundamental Rights guaranteed under Constitution of India and contrary to the provisions of SARFAESI Act and set aside the same and consequently direct the respondent Bank not to conduct E-Auction on 24.03.2016 against the petitioner's property and pass such other order or orders which may deem fit and proper in the circumstances of the case."

It is now represented by Sri Ch. Siva Reddy, learned counsel for the respondent bank, that the auction sale proposed to be held as per the impugned sale notice did not materialise for want of bidders.

In that view of the matter, as the grievance of the petitioner in this case was only with regard to the proposed sale to be held pursuant to the impugned sale notice, the cause in the writ petition does not survive for consideration on merits at this stage.

The writ petition is accordingly dismissed as infructuous leaving it open to the petitioner to pursue his remedies in accordance with law in relation to the proceedings initiated by the respondent bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as and when fresh cause arises. All issues are left open.

Interim order dated 22.03.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:24.06.2016

GJ

