

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

WRIT PETITION No.19826 of 2016

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

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

“The Hon'ble Court may be pleased to issue writ of mandamus or any other approximate writ order or orders direction declaring the inaction of the Respondents in trying to conduct the auction of the property of the petitioner by issuing E-auction notices dated 13.05.2016 which has to be conducted on 20.06.2016 without following the procedure contemplated under the SARFAESI Act by issuing notice under Rule 8(5) and 9(1) of Security Interest(Enforcement) Rules,2002 which is illegally arbitrary and violative of principles of natural justice, and consequently set aside the E-Auction notice dated 13.05.2016 and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Sri M.V.K.Vishwanatham, learned counsel appearing for the respondent bank states before this Court that the sale which was proposed to be held did not materialize owing to lack of bidders.

In that view of the matter, challenge in this Writ Petition which is only directed against the E-auction notice dated 13.05.2016, proposing to hold the sale on 20.06.2016, does not survive for consideration on merits.

The Writ Petition is accordingly dismissed leaving all issues open. Consequently, pending miscellaneous petitions, if any, shall also stand dismissed. No costs.

JUSTICE SANJAY KUMAR

Dr.JUSTICE B. SIVA SANKARA RAO

Dt.21.06.2016
vvr.