

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

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WRIT PETITION NO.16791 OF 2016

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ORDER

(per Hon'ble Sri Justice Sanjay Kumar)

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

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ or Director or an Oder which particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondent Bank in conducting e- Auction on 25-05-2016 by issuing sale notice dt:20-04-2016 of the petitioners' property in Sy No 524/A (Part), Plot No.103, Extent 23.45 sq Mts or 2804.62 Yards situated at Industrial Park within Gooty Village & Mandal, Anantapuram as illegal, arbitrary, violation of Principles of Natural Justice and violation of Fundamental Rights guaranteed under the 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 against the property of the Petitioner in Sy No 524/A (Part), Plot No.103, Extent 23.45 sq Mts or 2804.62 Yards situated at Industrial Park within Gooty Village & Mandal, Anantapuram and pass such other order or orders may deem fit and proper in the circumstances of the case.'

Sri D.L.Kiran Prakash, learned counsel appearing for Canara Bank, would state on instructions that the proposed e-auction, which was to be held on 25.05.2016, did not materialize as no bidders came forward.

As the challenge in this writ petition is as against the sale notice dated 20.04.2016 whereby it was proposed to hold the e-auction on 25.05.2016, the cause in this writ petition does not survive for consideration in the light of the aforestated development.

The writ petition is accordingly dismissed leaving all the issues open. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

DR. B.SIVA SANKARA RAO, J

8th JUNE, 2016
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