

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.14724 of 2014

ORDER: (per SK,J)

This writ petition was filed with the following prayer:

'For the reasons detailed in the affidavit, it is prayed that the Hon'ble Court may be pleased to issue any writ or order or direction more particularly in the nature of writ of mandamus to declare that the Demand Notice claimed to have been issued by 1st Respondent on 1-8-2013 under S.13(2) of the Act relating to Account No.31861516457 of Petitioner with 2nd Respondent alleged to have served on the Petitioner as fraudulent, illegal and non est and consequently the further proceedings taken by the 1st Respondent under Sec.13(4) and Sec.14 of the Act are all fraudulent, illegal, clear breach of the provisions of the Act and Rules framed under SERFASI Act and Rules and further publication of auction notice fixing date of auction dt.30-5-2014 as illegal, fraudulent and non est and pass just and appropriate orders.'

By order dated 29.05.2014, this Court granted interim stay of the auction scheduled to be held on 30.05.2014 subject to the condition that the petitioner deposits a sum of Rs.15,00,000/- on or before 10.06.2014. The respondent bank was given liberty to proceed with the auction basing on the impugned notice on any subsequent date in the event of default.

Neither the learned counsel for the petitioner nor Sri Maruthi Jadav, learned counsel representing Sri B.S.Prasad, learned panel counsel for the State Bank of India, is in a position to inform this Court as to whether the aforestated conditional order was complied with. In any event, once the auction scheduled to be held on 30.05.2014 pursuant to the impugned auction notice was not held by virtue of the stay order granted by this Court, the said auction notice would work itself out and the respondent bank would necessarily have to initiate fresh measures for sale of the secured asset. That being so, the challenge in this writ petition is rendered purely academic in so far as the impugned auction notice is

concerned. We therefore do not propose to adjudicate this case on merits.

The writ petition is accordingly dismissed on this short ground leaving all issues open. The petitioner is at liberty to avail appropriate remedies in accordance with law as and when a fresh cause of action arises.

Interim order dated 29.05.2014 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:03.07.2017

GJ

