

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

WRIT PETITION No.5289 of 2014

ORDER: (Per Justice Sanjay Kumar)

This writ petition was filed assailing the auction notice dated 28.01.2014 issued by the Andhra Bank proposing to put to sale the secured asset claimed by the petitioners on 05.03.2014.

The petitioners claim that the said item of property was sold to them under a registered Agreement of Sale-cum-General Power of Attorney dated 07.12.2009 long prior to creation of a security interest over the same by their vendor on 03.09.2010.

Basing on this claim, by order dated 04.03.2014, this Court stayed the auction proposed to be held on 05.03.2014.

It is now stated that the said auction did not take place by virtue of the aforestated interim order.

In that view of the matter, challenge to the impugned auction notice dated 28.01.2014 is rendered purely academic and does not warrant consideration on merits.

In so far as the claim put forth by the petitioners is concerned, we are of the opinion that an efficacious alternative remedy is now made available to the petitioners under the amended provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. That apart, such disputed questions of fact cannot be resolved in a writ petition under Article 226 of the Constitution.

The writ petition is accordingly dismissed leaving it open to the petitioners to invoke appropriate remedies before the proper forum in accordance with law.

Interim order dated 04.03.2014 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR, J

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GUDI SEVA SHYAM PRASAD, J

11<sup>th</sup> July, 2017  
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