

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

WRIT PETITION No.41378 of 2015

ORDER: (per SK,J)

This writ petition was filed assailing the auction notice dated 20.11.2015 issued by the State Bank of Hyderabad proposing to hold the sale of the secured asset on 22.12.2015.

By order dated 21.12.2015, this Court granted stay of the proposed auction subject to the condition that the petitioner deposits a sum of Rs.2.50 lakhs within four weeks from that day. In the event of default, liberty was given to the respondent bank to re-notify the property for auction and issue a fresh sale notice in accordance with law without reference to the pendency of this writ petition.

In effect, the sale proposed to be held on 22.12.2015 was stayed by this Court. That being so, the challenge to the impugned auction notice is rendered purely academic as the respondent bank would necessarily have to issue a fresh notice for sale of the secured asset in accordance with the due procedure. We therefore do not propose to adjudicate this writ petition on merits.

The writ petition is accordingly dismissed 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 21.12.2015 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:04.07.2017

GJ