

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

WRIT PETITION No. 37855 of 2015

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

This writ petition was filed assailing the e-auction sale notice dated 15.10.2015 issued by the Canara Bank proposing to hold the sale of the secured asset belonging to the petitioner on 21.11.2015.

By order dated 26.11.2015, this Court directed the respondent Bank not to issue sale certificate to the auction purchaser, if the petitioner paid the entire amount due to the respondent Bank within four weeks from that day. Admittedly, the petitioner failed to comply with this order. Taking note of the same, this Court called upon the respondent Bank on 15.06.2016 to explain as to why no steps were taken despite the liberty given under the order dated 26.11.2015 if the petitioner failed to comply with the condition stipulated therein.

Today, Sri G. Praveen Kumar, learned counsel representing Sri Nishith Bhattacharjee, learned counsel for the respondent Bank, would state that the sale certificate has already been issued to the auction purchaser as the petitioner failed to comply with the conditional order.

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

The writ petition is accordingly dismissed. Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

Date: 06.07.2017

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

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