

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

WRIT PETITION NO.8534 OF 2015

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Sri G.Vivekanand, learned counsel for the petitioner, would draw our attention to the interim order passed in WP.MP.No.11260 of 2015 in WP.No.8534 of 2015 dated 15.04.2015 wherein we had recorded the undertaking of the petitioner to pay the entire debt due by 30.09.2015, and had directed the respondents not to issue a sale certificate in favour of the auction purchaser till 15.06.2015.

Sri E.Madan Mohan Rao, learned Standing Counsel for the respondent-Bank, would submit that the petitioner has paid the entire dues before 30.09.2015. Sri T.R.V.S.S.S.V.Prasad, learned counsel for the fourth respondent-auction purchaser, would submit that the fourth respondent is no longer interested in the subject property; and the respondent-Bank be directed to return the money deposited by him.

Sri E.Madan Mohan Rao, learned Standing Counsel for the respondent-Bank, states that it is only because of the pendency of this Writ Petition that the bank did not return the money to the auction purchaser; and it would suffice if this Court were to set aside the sale notice and, thereafter, permit the bank to take necessary action in accordance with law.

As all the learned counsel are in agreement that the sale notice be set aside, the impugned sale notice is, accordingly, set aside. The respondent-bank is at liberty to take necessary action for return of the amount paid by the fourth respondent-auction

purchaser, and for release of the documents to the petitioner, in accordance with law.

The Writ Petition stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

30th March 2017
RRB

