

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT PETITION NO.735 of 2015

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

'For the reasons details in the accompanying affidavit, it is prayed that the Court may be pleased to issue any writ or direction or order, more particularly in the nature of Writ of Mandamus declaring the proceedings of the 1st Respondent in issuing Proclamation of Sale-cum-e-auction Notice dt. 22nd December, 2014 in R.P.No.77/2008 in O.A.No.40/2002 pursuant to the Recovery Certificate dt.14- 3-2008 issued by the Debts Recovery Tribunal, Visakhapatnam, A.P. in respect of land admeasuring Ac. 1-50 cents in D.No. 142 Agathavarappadu Village, Peddakakani Mandal, Guntur District, State of AP without notice to the Petitioners as required under R.53 of the Second Schedule of Income Tax Act and by arbitrarily fixing very low upset price without ascertaining the market value of property in contravention of Sec. 29 of Debt Recovery Act, Rules under Second and Third Schedule of Income Tax Act, 1961 and Income Tax (Certificate Proceedings) Rules, 1962 read with Clauses 4.23 and 4.24 Guidelines for Valuation of Immovable Properties issued by Directorate of Income Tax Department in 2009 and directions issued in W.P.No.11739/2008 on 29-4-2014 by this Hon'ble Court is arbitrary, illegal exercise of jurisdiction, non est and violative of principles of natural justice and pass such other and necessary orders for the ends of justice.'

Sri V.Raghu, learned counsel for the Andhra Bank, informed this Court as long back as on 29.01.2015 that no bids were received pursuant to the impugned auction notice dated 22.12.2014 and therefore, the auction scheduled to be held on 27.01.2015 could not be held.

In that view of the matter, as challenge to the said impugned auction notice is rendered purely academic, we see no purpose in adjudicating this writ petition on merits.

The writ petition is accordingly dismissed on this short ground leaving all issues open. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

J.UMA DEVI ,J

Date:14.11.2017
GJ