

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD
WRIT PETITION No. 9742 of 2015

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

This writ petition was filed with the following prayer:

"It is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 1st respondent Recovery Officer in issuance of Paper Notification dt.6.03.2015 in RP No.420/2001 in OA No.460 of 1999, whereby the 1st respondent Recovery Officer offered for sale the subject Property viz., land and building admeasuring 555 Sq.Yards vide Plot No.1, H.No.6-3-354/8/B, Hindi Nagar, Punjagutta, Hyderabad, as illegal and arbitrary and in violation of Sections 24 and 29 of the Recovery of Dues to the Banks and Financial Institutions Act, 1993, followed by Rule 68-B of the Second Schedule to the Income Tax Act, 1961 besides offending the petitioner's Fundamental Rights conferred under Article 14, 19 and 300-A of the Constitution of India and pass such other order or orders as deemed fit and proper in the circumstances of the case."

It is however admitted by Sri Y.N.Vivekananda, learned counsel for the petitioner, and Sri Maruthi Jadav, learned counsel representing Sri B.S.Prasad, learned standing counsel for the State Bank of India, that the auction sale proposed to be held on 10.04.2015 did not materialise for want of bidders.

As the prayer is directed only against the aforestated auction sale notice, which has come to naught owing to the failure of the auction sale scheduled to be held on 10.04.2015, this writ petition does not require adjudication 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 before the proper forum as and when fresh cause of action arises.

Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 08.06.2017

JUSTICE GUDI SEVA SHYAM PRASAD

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