

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

WRIT PETITION No.31364 of 2016

ORDER: (per SK,J)

This writ petition was filed with the following prayer:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents to proceed with the sale of properties of only 4 guarantors worth Rs. 5,70,00,000/- against total liability of Rs. 17,00,00,000/- and odd without notifying the properties of the company and other guarantors for recovery of remaining balance amount as illegal, contrary to law and violative of Article 14 of the Constitution of India and also declaring the action of the respondents in selling the buildings admeasuring 533.33 Sq. yards located Door No. 24-14-1, Plot No.66, R.V. Nagar, Rajahmundry, East Godavari District standing in the name of the Writ Petitioner in pursuance of the Paper 'Publication published in Sakshi Telugu Daily News Paper East Godavari Edition dated 11.08.2016 as illegal and set aside the same and to pass such other order or orders may deem fit and proper in the circumstances of the case.'

By order dated 17.09.2016, this Court opined that the action of the Canara Bank was laced with discrimination and accordingly suspended the e-auction notice dated 11.08.2016.

In effect, the sale could not be conducted by virtue of the interim order passed by this Court. Challenge to the impugned e-auction notice is therefore rendered purely academic and does not warrant consideration on merits.

The writ petition is accordingly dismissed on this short ground leaving all issues open. The petitioners are at liberty to avail appropriate remedies in accordance with law if and when a fresh cause of action arises.

Interim order dated 17.09.2016 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:24.07.2017

GJ