

**THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**WRIT PETITION No.20679 of 2017**

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

This writ petition was filed assailing the action of the State Bank of India in issuing e-auction sale notice dated 22.05.2017 proposing to put the secured asset to sale on 23.06.2017.

2. Though an interim order was granted by this Court on 22.06.2017 staying all further proceedings pursuant to the impugned auction sale notice, Sri M.Srikanth Reddy, learned counsel for the State Bank of India, would inform this Court that the order was not communicated till after 23.06.2017 but, in any event, the sale held on 23.06.2017 failed to materialise for want of bidders. He would further submit that the issue sought to be raised by the petitioner with regard to the secured creditor not having actual physical possession of the secured asset prior to putting it to sale is covered by a decision of the Supreme Court as opposed to the decision of the Bombay High Court relied upon by the petitioner.

3. We are however of the opinion that as the challenge in this writ petition is rendered purely academic owing to the auction sale held on 23.06.2017 coming to naught, it would not be necessary to go into the issue raised by the parties. The said issue is left open to be decided in an appropriate proceeding.

4. The writ petition is therefore dismissed as infructuous. The interim order dated 22.06.2017 shall also stand vacated. No order as to costs.

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**SANJAY KUMAR, J**

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**GUDISEVA SHYAM PRASAD, J**

Date: 20.07.2017.  
TJMR

