

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE Dr. SHAMEEM AKTHER**

WRIT PETITION NO.8856 OF 2017

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The relief sought for in this Writ Petition is to set aside the public notice for sale through e-Auction under the SARFAESI Act, in respect of Lot No.1 – Plot bearing No.A-3/4(P), comprising of Cellar + Ground Floor + 4 Upper Floors, in Electronic Complex, Kushaiguda, Kapra Municipality, Keesarra Mandal, Ranga Reddy District, as arbitrary and illegal.

Sri B. Chandrasen Reddy, Learned Counsel for the petitioner, would draw our attention to an earlier Writ Petition filed by the petitioner herein i.e., W.P. No.32857 of 2016 questioning the action of the respondents in putting the fifth floor of the building to auction, though the subject mortgage did not include the fifth floor, as arbitrary and illegal; a Division bench of this Court, by its order in W.P. No.32857 of 2016 dated 08.12.2016, disposed of the Writ Petition directing the first respondent bank to hand over to the petitioner, the fifth floor which was admittedly not under mortgage and the moveable properties which were not under hypothecation to the bank; as the respondent bank issued an e-Auction notice thereafter putting the fifth floor also to auction, the petitioner had filed the present Writ Petition; they had also filed C.C. No.256 of 2017 for violation of the order passed by this Court in W.P. No.32857 of 2016 dated 08.12.2016; since the respondent bank has given an undertaking in the Contempt Case that they would not put the fifth floor of the building to sale, the cause in

this Writ Petition no longer survives; and it would suffice if this Court were to record the aforesaid contentions, and close the Writ Petition.

Recording the submission urged on behalf of Sri B. Chandrasen Reddy, Learned Counsel for the petitioner, and as the cause in the Writ Petition no longer survives, the Writ Petition is dismissed as infructuous. No costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 23.03.2017.

MRKR

