

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

WRIT PETITION No.10749 of 2016

ORDER: (Per Justice Sanjay Kumar)

This writ petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit, the Hon'ble court may be pleased to issue an appropriate Writ, order or direction, particularly in the nature of a Writ of Mandamus by declaring the action of the 1st respondent in issuing the Auction Notice dt.5-3-2016, without looking into the aspect of stocks of the petitioners in the 2nd respondent's godown, as illegal and arbitrary and consequently direct the 1st respondent to release the stock of the petitioners, before conducting auction as per the Auction Notice dt.5-3-2016, and pass such other and further orders to meet the ends of justice.”

As per the auction notice dated 05.03.2016 issued by the State Bank of India, the sale was to be held on 13.04.2016.

Sri Maruthi Jadhav, learned counsel representing Sri B.S. Prasad, learned panel counsel for the State Bank of India, would inform this Court that the auction sale held on 13.04.2016 did not materialize for want of bidders.

That being so, the apprehension of the petitioners with regard to release of their stocks does not survive for consideration.

That apart, Sri Maruthi Jadhav, learned counsel, would assert that no stock was available within the premises of the godown. This is disputed by Sri T.S. Rayalu, learned counsel for the petitioners.

We are of the opinion that this disputed question of fact cannot be adjudicated by this Court in a writ petition filed under Article 226 of the

Constitution. Viewed from any angle, the cause in this writ petition does not survive for consideration.

The writ petition is accordingly dismissed leaving it open to the petitioners to avail appropriate remedies in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

7th July, 2017
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GUDI SEVA SHYAM PRASAD, J

