

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

WRIT PETITION NO.1541 OF 2016

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed with the following prayer:

'It is prayed that this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in issuing the e-auction notice dt.21.12.2015 for sale of the property admeasuring an extent of 16.52 guntas in Sy.No.373/C, situated at Alugunur Village, Timmapur Mandal, Karimnagar District by invoking the provisions of the SARFEASI Act as illegal, arbitrary and one without jurisdiction and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.'

Sri Ambadipudi Satyanarayana, learned counsel for the respondent bank, states on instructions that the e-auction notice dated 21.12.2015 did not materialize in an actual sale as no bidders came forward.

That being so, the cause in this writ petition no longer survives for consideration.

Sri O.Manohar Reddy, learned counsel for the petitioner, would however contend that the petitioner would again be driven to invoke appropriate remedies as and when a fresh e-auction notice is issued by the respondent bank.

Though that may be so, this Court cannot adjudicate a cause which is no longer surviving.

The writ petition is accordingly dismissed on this short ground. The petitioner is at liberty to invoke appropriate remedies in

accordance with law as and when cause of action arises. Interim order dated 28.01.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

7th JUNE, 2017

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