

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

WRIT PETITION No.9913 of 2016

ORDER: (per SK,J)

This writ petition was filed assailing the action of the State Bank of India in issuing e-auction sale notice dated 24.02.2016 scheduling the auction of the secured asset on 30.03.2016.

By order dated 28.03.2016, this Court directed the respondent bank not to confirm the e-auction sale proposed to be held on 30.03.2016 subject to the condition that the petitioner deposits a sum of Rs.1,00,000/- on or before 30.03.2016 and a further sum of Rs.1,00,000/- before 30.04.2016.

The Chief Manager of the respondent bank filed a counter, wherein he stated that the petitioner complied with the interim order dated 28.03.2016 and therefore, the auction was deferred on the said date.

It is being the admitted fact position, we are of the opinion that the challenge to the e-auction sale notice dated 24.02.2016 is rendered purely academic as no sale materialised because the respondent bank deferred the same once the petitioner complied with the conditional interim order.

This Court does not propose to adjudicate this writ petition on merits as the cause of action no longer survives.

The writ petition is accordingly closed leaving it open to the petitioner to avail appropriate remedies in accordance with law, if and as and when a fresh cause of action arises. The amount deposited by the petitioner pursuant to the interim order dated 28.03.2016 shall be given due credit by the respondent bank and appropriated to the loan account.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:12.06.2017

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