

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

Writ Petition No.44491 of 2016

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

Sri P.Sriharsha Reddy, Learned Standing Counsel for the 1st respondent, would submit that the proceedings under challenge in this Writ Petition is the auction notice dated 10.11.2016 proposing to conduct e-auction on 20.12.2016; the said e-auction was unsuccessful, and no bids were received for the minimum upset price; and the cause in the Writ Petition does not survive necessitating any further adjudication by this Court.

Sri M.Govind Reddy, Learned Special Standing Counsel for Commercial Taxes, would, however, contend that, while the e-auction may have been cancelled, the question which necessitates examination in this Writ Petition is the entitlement of the petitioner to conduct auction and recover its dues, and not the 1st respondent.

As the proceedings under challenge in this Writ Petition is the auction notification dated 10.11.2016, proposing to hold e-auction on 20.12.2016 which was unsuccessful, the cause in the Writ Petition does not survive necessitating any further adjudication by this Court. Suffice it to make it clear that all questions of law, raised in this Writ Petition, are left open to be urged by the petitioner as and when the 1st respondent issues an auction notice proposing to conduct e-auction. With a view

to ensure that the petitioner's interests are safeguarded, we also direct the 1st respondent to inform the petitioner in writing before a notice is issued afresh to conduct an auction.

Subject to the aforesaid observations, the Writ Petition is dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

Dr.SHAMEEM AKTHER, J

Date:09.02.2017.
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