

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.39958 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The prayer in this writ petition reads as under:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in nature of writ of Mandamus, declaring the Auction Publication dt.30-10-2017 issued by the Respondent thereby inviting the prospective bidders for participating in Action Sale that would be conducted on 01-12-2017 for selling mortgaged property a dwelling House bearing No.21-139, Sai Baba Nagar, Adoni Town, Kurnool District belonging to 2nd Petitioner without giving an opportunity to the petitioners for repaying loan amounts in Equal Monthly Installments as illegal, arbitrary and against the principles of natural justice and set aside the same and consequently direct the Respondent to permit the petitioners to repay the loan amounts due in equal Monthly instalments and pass appropriate orders which this Hon'ble Court deem fit and proper in the circumstances of the case, in the interest of justice.”

Smt. T. Vidya Rani, learned counsel for the Canara Bank, the respondent, would inform this Court that the auction sale proposed to be held on 06.12.2017 pursuant to the impugned auction publication dated 30.10.2017 did not materialize as the Bank accepted the offer made by the petitioners to clear the outstanding dues within a time frame.

In that view of the matter, the challenge in this writ petition does not survive for consideration on merits.

The writ petition is accordingly dismissed on this short ground leaving all issues open.

Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

Date:11.12.2017

KONGARA VIJAYA LAKSHMI,J