

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.4491 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The prayer of the petitioners in this case reads as under:

'This Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring that the notice prior to sale, dt.23.01.2018 issued under Rule 8(6) of Security Interest (Enforcement) Rules, 2002 and E-Auction sale notice, dt.23.01.2018 issued under Rule 9(1) of Security Interest (Enforcement) Rules, 2002, are illegal, invalid and violative of the mandatory provisions of SARFAESI ACT, 2002 and rules made there under b) Declare the contemplated action for taking physical possession pursuant to application U/S.14 of SARFAESI Act 2002 to the Chief Metropolitan Magistrate or taking any further coercive steps for taking physical possession of schedule properties as illegal and void c) Declare the action for putting the Schedule property for e-auction pursuant to sale notice dt.23.01.2018 as null and void and consequently restrain the respondent from proceeding with the sale of schedule property on 15th February, 2018 as contemplated under e-auction sale notice d) To declare all the measures taken under SARFAESI ACT, 2002 as null and void being hit by res-judicata e) To pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

In the light of the counter-affidavit filed by Sri N.Harinath, learned counsel for Fullerton India Credit Company Limited, the respondent herein, it is clear that the auction sale held on 15.02.2018 has come to naught as the successful bidder in the said auction has now backed out, be it for whatever reason. The challenge to the auction sale notice dated 23.01.2018, which was issued in relation to the said sale, is therefore rendered purely academic and does not warrant consideration on merits.

The writ petition is accordingly dismissed on this short ground. All issues are left open. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

18th JULY, 2018

Sv

