

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.5339 of 2015

ORDER: (per SK,J)

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

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue appropriate writ order or direction more particularly one in the nature of writ of mandamus by declaring the action of the Respondent Bank in issuing a Auction Notice dated 11.02.2015 proposing to auction the property(site measuring to the extent of 287.5 Sq.Yards of site along with RCC roofed ground and first floor building constructed therein in R.S.No.17-282, 17th ward, Gudivada Krishna District) as wholly illegal, arbitrary, unreasonable and violative of Articles 14 and 21 of Constitution of India and set aside the same as wholly illegal and arbitrary and consequently direct the respondent to re-deliver the possession of the property forthwith in the interest of justice and pass such other order or orders as are deemed fit and proper in the circumstances of the case.'

It is therefore manifest from the aforestated prayer that the challenge levelled by the petitioners was limited only to the auction notice dated 11.02.2015, whereby the State Bank of India proposed to hold the auction sale of the petitioners properties on 16.03.2015.

While so, we are now informed by Sri Maruthi Jadhav, learned counsel representing Sri B.S.Prasad, learned counsel for the State Bank of India, that the auction held on 16.03.2015 failed to materialise for want of bidders.

That being so, the challenge in this writ petition is rendered purely academic and does not warrant consideration on merits.

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

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:09.02.2018

GJ

