

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

WRIT PETITION NO.5631 of 2018

ORDER: (per SK,J)

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

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in uploading the e-auction notice vide Ref.No.3154/ROA/FORM-W-SN/F.NO.17/SARFAESI, dated 20-01-2018 for sale of the property of Residential Independent Duplex Village/Cottage No.10 with Ground and First Floor with total built up area admeasuring 1750 sq. feet, situated in 'Earth Song of India' along with undivided extent of Ac.11.40 cents out of Ac.11.40 cents in Sy.No.450-1 and 450-02, near D.No.8/300 at Puttaparthi Village, Anantapuramu District, as arbitrary, illegal, contrary to law, contrary to the SARFAESI Act 2002 and set aside the same consequently direct the respondents to consider the petitioner's representation dated 12-01-2018 and to pass such other order or orders may deem fit and proper in the circumstances of the case.'

By order dated 21.02.2018 passed in I.A.No.1 of 2018 filed in this writ petition, this Court took note of the fact that the validity of the Syndicate Bank's action in issuing a notice under Rule 8(6) Security Interest (Enforcement) Rules, 2002, and in publishing the notice under Rule 9(1) thereof on the same day, viz., 20.01.2018, required examination and accordingly directed the bank not to confirm the sale, if any, that materialised pursuant to the auction sale notice. The bank was also directed not to receive the balance sale consideration of 75% pending further orders.

Sri P.Subash, learned counsel for the petitioner, would inform this Court that pursuant to the aforestated order, the bank chose to cancel the auction sale scheduled to be held pursuant to the auction sale notice dated 20.01.2018.

In the light of this development, the challenge to the auction sale notice dated 20.01.2018 is rendered purely academic and does not warrant consideration on merits.

The writ petition is accordingly dismissed. Interim order dated 21.02.2018 shall stand vacated. We however make it clear that this order shall not preclude the petitioner from pursuing his representation dated 12.01.2018 made to the bank, whereunder he wanted to settle the loan account.

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

No order as to costs.



SANJAY KUMAR,J

T.AMARNATH GOUD,J

Date:19.06.2018

GJ