

T.HE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.6201 OF 2018

ORDER: *(Per Hon'ble Sri Justice Sanjay Kumar)*

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent in not conducting the auction as per law in a fair and transparent manner on the subject mortgage property i.e., Survey Nos.646/1B1 and 646/2B1 of Prakash Nagar, Ward No.5, Kothapalle, Kothapalle Panchayath, as illegal, arbitrary, unconstitutional and violation of principles of natural justice and consequently direct the respondent to consider the representations dated 01-02-2018 and 12-02-2018 submitted by the petitioner and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of justice.

Sri Achyuth Bharadwaj, learned counsel representing Sri S. Mohammed Ismail, learned counsel for the petitioner, would state that after issuance of the notice prior to sale dated 30.01.2018 under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 (for short 'the Rules of 2002'), a paper publication was made of the auction sale notice under Rule 9(1) thereof.

Sri Maruthi Jadhav, learned counsel representing Sri B.S.Prasad, learned counsel for the State Bank of India, would inform us that the said publication was made on 24.02.2018 and the auction sale proposed thereunder is scheduled to be held on 28.03.2018.

We find that no mention has been made of the paper publication made by the Bank under Rule 9(1) of the Rules of 2002 in the body of the affidavit. A copy of the said notice has also not

been filed. Significantly, the prayer of the petitioner is not even directed against the said auction sale notice or the auction sale proposed to be held thereunder.

In the light of these defects, we are of the opinion that this writ petition does not warrant entertainment, much less, adjudication on merits.

The writ petition is accordingly dismissed leaving it open to the petitioner to seek appropriate remedies in accordance with law. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 26.02.2018

va

JUSTICE SANJAY KUMAR

JUSTICE P.KESHA RAO

