

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

WRIT PETITION NO.22557 of 2017

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 prayed that this Honourable 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 respondent in seeking to conduct auction of the petitioners' property residential house H.No.192 Near Santoshi Maa Temple, Picket, Secunderabad, consisting of ground floor, 1st floor and 2nd floor on the land admeasuring 64 sq yards equivalent to 53.23 sq. meters, situate at Ramnagar, Picket, Secunderabad, without issuing any notice under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, as arbitrary, illegal contrary to law and in violation of Articles 14, 21 & 300-A of Constitution of India and contrary to SARFAESI Act and set aside the sale and auction notice dated 26-05-2017 and consequently direct the respondent to consider the oral representations of the petitioners by granting a period of 45 days to repay the money due to the Respondent in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.'

Sri P.Subash, learned counsel for the petitioners, and Sri Subrahmanyam Kurella, learned counsel for the respondent bank, state that the auction sale scheduled to be held on 06.07.2017 pursuant to the impugned auction notice dated 26.05.2017 failed for want of bidders.

Sri Subrahmanyam Kurella, learned counsel, would further point out that in terms of the prayer of the petitioners, they wanted 45 days to repay the money due to the respondent bank. He would state that though this writ petition was filed in July, 2017 and the petitioners had more than

the 45 days that they prayed for, they failed to clear the outstanding dues of the respondent bank.

Sri P.Subash, learned counsel, would state that he has no instructions in this regard.

In any event, as the prayer in this writ petition is directed only against the impugned auction notice dated 26.05.2017 which has worked itself out owing to the failure of the auction sale scheduled to be held thereunder, the writ petition does not deserve to be adjudicated on merits and is accordingly dismissed. All issues are left open.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.



SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:12.02.2018

GJ