

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.6634 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 prayed that this Hon'ble Court may be pleased to pass order or orders or direction more particularly in the nature of Writ of Mandamus or any other appropriate writ, order by declaring the action of the respondent bank by conducting the auction on 07.10.2017 is to be declared as illegal, null and void by directing the respondent bank not to proceed further in respect of the All that the Residential House bearing No.30-166 (Old No.21-34) Plot No.51 in Sy. No.416, admeasuring 227.44 Sq Yards or 190.13 Sq. Mtrs with a Plinth area of 920 Sft, RCC situated at Shafi Nagar (Safilguda) within the limits of Greater Hyderabad Municipal Corporation under Malakjiri Circle and Mandal, R.R. District in the Name of Smt. G. S. Bhagyavathi, W/o.G.N.Sree Hari Ram and pass such other order or orders to which the petitioner is entitled to be in the interest of justice."

Sri B. Harinath Rao, learned counsel for the Indian Overseas Bank, would inform this Court that the auction sale held on 07.10.2017 did not materialise for want of bidders and the Bank thereafter resorted to a fresh auction sale on 27.10.2017, wherein the third respondent herein emerged the highest bidder. Learned counsel would therefore submit that the writ petition is not maintainable.

We find merit in this submission, as the petitioner has chosen to assail the auction sale held by the Bank on 07.10.2017 which did not fructify and no challenge has been laid to the subsequent auction sale notice or the sale held on 27.10.2017 pursuant thereto.

The writ petition is accordingly dismissed on this short ground leaving it open to the petitioner to seek redressal of her grievance, if any, as to the subsequent sale notice or the sale. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 28.02.2018

JUSTICE M.GANGA RAO

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