

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

WRIT PETITION NO.6745 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 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 declaring the action of the respondents in trying to auction the Rajasthan Tea & Coffee Shop bearing Door No.29/408 situated in Chinthaguntapalem, Machilipatnam, Krishna District under the guise of proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter called as SARFAESI Act) as arbitrary and illegal and consequently set aside the proceedings initiated under the SARFAESI Act and to pass such other order or orders appropriate in the case and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

The petitioner claims to be a tenant in occupation of the premises of the secured asset. However, he relies upon an unregistered lease deed executed on 06.02.2015 by the borrower, Arja Krishna Veni. His challenge presently is to the e-auction notice dated 24.01.2018 issued by the Canara Bank proposing to put the secured asset, in which the petitioner claims tenancy rights, to auction sale on 26.02.2018.

Sri Harinder Singh, learned counsel appearing for Sri Dishit Bhattacharjee, learned counsel for the respondent Canara Bank, would inform this Court that the auction sale scheduled to be held on 26.02.2018 failed for want of bidders.

That being so, the prayer of the petitioner as framed 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

M.GANGA RAO,J

Date:28.02.2018

GJ

