

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

WRIT PETITION No. 19074 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, the Petitioner herein prays 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 issuing the E-Auction Sale Notice dated 04.05.2018 slating the date of auction on 14.06.2018 in respect of building bearing D.No.14-19-55, Ward No.14, admeasuring 140 sq. yds. situated at MGC Market Area, Veeraraghavapeta, Chirala, Prakasam District belongs to the petitioner as illegal, arbitrary and contrary to the provisions of the SARFAESI Act, 2002 and set aside the same and to pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Sri Dishit Bhattacharjee, learned counsel for the Canara Bank, the respondent herein, states on instructions that the e-auction sale notice dated 04.05.2018 and the earlier notice of the same date issued under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, have both been cancelled and that the Bank would initiate proceedings afresh from the stage of Rule 8(6) of the aforestated Rules.

Recording the said submission, the writ petition is dismissed as infructuous. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 11.06.2018

JUSTICE T. AMARNATH GOUD