

**HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SRI JUSTICE P. KESHA VA RAO**

WRI PETITON NO. 38913 OF 2017

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

The prayer in this writ petition reads as under:

“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 proceeding further with the E-Auction sale notice dated 24.11.2017 shown as 3rd item for the property admeasuring Ac.0.97 guntas of open land in Survey No.231/4, situated in Komarabanda village, Kodad mandal, Suryapet District, Old Nalgonda District, which was already auctioned and confirmed in the name of the petitioner on 28.06.2017 is illegal, improper, arbitrary and unconstitutional and violation of principles of natural justice and consequently delete the 3rd item from the list of the E-auction sale notice dated 24.11.2017 i.e. property admeasuring Ac.0.97 guntas of open land in Sy.No.231/4, situated in Komarabanda village, Kodad mandal, Suryapet District, Old Nalgonda District by directing respondents to receive the demand draft No.750354 dated 08.11.2017 for Rs.14,48,000/- drawn in the name of the respondent bank on Canara Bank, Dilsukhnagar, Hyderabad and register the subject land in favour of the petitioner forthwith, pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

No interim order was granted by this Court stalling the sale scheduled to be held on 27.11.2017 pursuant to the impugned auction sale notice dated 24.10.2017 in so far as it pertained to the 3rd item of property. We are now informed by Smt. V. Dyumani, learned counsel for the Andhra Bank, that the sale held on that day materialized in respect of the 3rd item and the bank has already issued sale certificate in favour of the auction purchaser and that possession of the item sold was also made over to the said auction purchaser.

In that view of the matter, we are of the opinion that this writ petition, as framed, would not survive for adjudication as neither the auction purchaser is before us nor is any challenge made to the said sale. Further, though Sri A. Rajashekar Reddy, learned counsel for the petitioner,

would contend that forfeiture enforced by the bank of the amounts deposited by the petitioner is illegal, there is no prayer by the petitioner in that regard also.

The writ petition is accordingly dismissed leaving all issues open and reserving liberty to the petitioner to avail appropriate remedies in accordance with law, if he so chooses. No order as to costs.

Pending miscellaneous petitions, if any, shall also stand dismissed.

SANJAY KUMAR, J

P. KESHA RAO, J

Date: 18.01.2018
ES/CCM

