

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HONOURABLE SRI JUSTICE P. KESHA RAO

+ W.P.No.45701 of 2018

% Date: 18-12-2018

Between:

Shaik Subhani, S/o. Mastan,
D.No.8-179/5, Ramalayam Bazar,
Perrecharla Village, Medikonduru Mandal,
Guntur District.

.... Petitioner

And

State Bank of India,
Rep. by its Authorized Officer,
Road No.8, Arundalpet Branch, Guntur.

... Respondent

! Counsel for the Petitioner : Mrs. Marella Radha

^ Counsel for Respondent No.1 : Mr. M. Srikanth Reddy S.C

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> HEAD NOTE:

? Cases referred

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HONOURABLE SRI JUSTICE P. KESHAHA RAO

W.P.No.45701 2018

ORDER: (Per VRS,J)

Aggrieved by the issue of an auction sale notice, the borrower has come up with the above writ petition.

2. Heard Mrs. Marella Radha, learned counsel for the petitioner and Mr. M. Srikanth Reddy, learned Standing Counsel for the respondent-bank.

3. The only ground on which the impugned auction notice is challenged is that the possession notice issued under Section 13(4) of the SARFAESI Act, 2002 was set aside by the Debts Recovery Tribunal on the short ground that no order was passed under Section 13(3A). Therefore, the contention of the petitioner is that the cart cannot be put before the horse.

4. On 17.12.2018, the learned Standing Counsel for the Bank took notice and sought time to get instructions. Today he produced a copy of the e-mail received from the Bank pointing out that the auction, to be held on 20.12.2018, was cancelled by the Bank. Therefore, the cause does not survive for the petitioner. If at all the bank has to put the property to sale, they will have to comply with the conditions as indicated by the Tribunal in its order. With the above observation, the writ petition is closed. There will be no order as to costs. As a sequel, pending miscellaneous petitions, if any, will stand closed.

V. RAMASUBRAMANIAN, J.

P. KESHAHA RAO, J.

18th December, 2018
Js.

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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