

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

WRIT PETITION NO.43843 of 2017

ORDER: (per SK,J)

The prayer in this writ petition 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 a Writ in the nature of Mandamus, declaring the action of respondents Nos. 1 and 2 herein in conducting the e-auction sale on 27.10.2017 of the notice of sale schedule property is illegal, arbitrary, contrary to Rule 8(5) and (6) of Security Interest (Enforcement) Rules, 2002 and provisions of SARFAESI ACT, 2002 and consequently set aside the sale held on 27.10.2017 and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.'

Smt.P.Susheela, learned counsel for the Bank of India, respondents 1 and 2 herein, would however inform this Court that the e-auction sale held on 27.10.2017 was thereafter cancelled by the bank and therefore, the writ petition does not survive for consideration on merits.

Sri K.Sai Rama Murthy, learned counsel for the petitioners, would also concede that the impugned e-auction sale, which was held on 27.10.2017, was thereafter cancelled by the bank.

In that view of the matter, the issues raised in this writ petition do not survive for 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

P.KESHA RAO,J

Date:23.01.2018
GJ

