

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.19393 of 2019

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

This writ petition was filed assailing the auction sale notice dated 05.08.2019 issued by the State Bank of India proposing to hold the auction sale of the subject land on 06.09.2019.

2. By order dated 05.09.2019, this Court took note of the assertion of the petitioner that the land in question was agricultural in nature and that the exclusion envisaged by Section 31(i) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act', for short), would be attracted and directed the respondent bank not to confirm the sale, if any, that materialized on 06.09.2019.

3. While so, Sri M. Srikanth Reddy, learned counsel for the respondent bank, would inform this Court that the sale held on 06.09.2019 in relation to the subject land failed for want of bidders.

4. In the light of this development, the substantial cause for the filing of this writ petition is rendered purely academic and does not warrant adjudication of the issues raised by the petitioner on merits. However, as it is the case of the petitioner that the subject land is agricultural in nature, the dismissal of the writ petition on the aforestated ground would not preclude her from approaching the respondent bank with supporting material to substantiate her claim that the subject land would stand covered by the exemption envisaged

by Section 31(i) of the SARFAESI Act. Needless to state, we have not gone into the merits of the matter. All issues are left open.

The writ petition is accordingly dismissed on the ground that it has become infructuous. Pending miscellaneous petitions shall also stand dismissed. There shall be no order as to costs.

SANJAY KUMAR, J

K. LAKSHMAN, J

October 1, 2019
DSK

