

IN THE HIGH COURT FOR THE STATE OF TELANGANA

HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA RAO

Writ Petition No.47681 of 2018

Between:

Sri G. Upender Reddy, S/o G. Mohan Reddy,
aged about 45 years, Occ: Business,
M/s. Shree Vinayaka Auto Gas Filling and
Service Station, NH-202, Hyderabad to Warangal,
Raigiri villagea, Bhongir Mandal, Nalgonda

... Petitioner

And

State Bank of India, Assets Recovery
Management Branch, D.No.1-8-563/1,
Opp: Sandya Theatre, Chikkadapally,
Hyderabad.

... Respondents

Counsel for the Petitioner : Mr. D. Raghavulu

Counsel for Respondents : Mr. Ch. Siva Reddy

HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE P. KESHA RAO

Writ Petition No.47681 of 2018

ORDER: *(per V. Ramasubramanian, J)*

Challenging an e-auction sale notice dated 27-11-2018, the borrower has come up with the above writ petition.

2. Heard Mr. D. Raghavulu, learned counsel for the petitioner. Mr. Ch. Siva Reddy, learned standing counsel takes notice for the respondent-bank.

3. It is seen from the auction sale notice that the notice was published on 27-11-2018 fixing the date of auction as 18-12-2018. The writ petition has been filed on 27-12-2018. The only respondent in the writ petition is the State Bank of India.

4. In other words, the petitioner probably does not even know whether a sale has actually taken place or not.

5. According to the learned standing counsel for the bank, the sale was held, the highest bidder complied with the conditions and the sale certificate has also been issued. According to the learned standing counsel for the bank, when the bank attempted to hand over possession of the gas tanker to the auction purchaser, a ruckus was created by some miscreants. We do not wish to go into the question of identity of the miscreants.

6. Admittedly, in respect of an auction conducted on 27-11-2018, the petitioner filed an appeal in S.A.No.273 of 2015 before the

Debts Recovery Tribunal. Therefore, we see no reason why the petitioner should come up with a writ petition, without going before the Tribunal.

7. Admittedly, the sale is now over. A period of nearly 15 days has passed from the date of sale.

8. Therefore, leaving it open to the petitioner to go before the Debts Recovery Tribunal, the writ petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

P. KESHA RAO, J

Date: 02-01-2019

Ksn

