

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 10469 OF 2014

Between:

Badithella Mallaiah, S/o Durgaiah, Aged about 49 years, Occ Singareni employee,
R/o H.No. T2-535, Krishna Colony Bopalapally of Warangal District.

.....PETITIONER

AND

1. The Manager, State Bank of India, Bhupalapally Branch, Jangedu Road, Bhupalapally, Warangal District.
2. The Recovery Officer, State Bank of India, Bhupalapally Branch, Jangedu Road, in respect of subject property Bhupalapally, Warangal District.
3. Appala Hareesh, S/o Narayana, Aged about 34 years, Occ Business R/o H.No. 3-333, Saidev Electricals Bhupalapally Village, Warangal District.
4. Appala Harika, W/o Hareesh, Aged about 29 years, Occ House wife R/o H.No. 3-333, Saidev Electricals, Bhupalapally Village, Warangal District.

(Respondents No. 3 and 4 presently residing at Gollapalle Village, Chelpur Post, Ghanpur Mandal, Warangal District).

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction particularly in the nature of Writ of Mandamus declaring the action of the respondent No. 1 and 2 in issuing a E-Tender Auction Notification dated 05-03-2014 is in violation of the provisions contemplated under SARFAESI Act,2002 and as well as rules under Security Interest (Enforcement) Rules, 2002 and in violation of Principles of Natural

Justice and in violation of Constitutional rights and in violation of provisions under the Civil Procedure Code and un-justice, arbitrary and illegal, by declaring the action of the respondent No. 1 and 2 is product of fraud played by the respondent No.1, and consequently set-aside the impugned E-Tender Notification dated 05.03.2014, which is published in Eenadu Daily News paper dated 06.03.2014 by calling the General Public to participate in the auction scheduled on 07-04-2014 in respect of subject property in the interest of justice.

I.A.NO:1 OF 2014 (WPMP.NO:13146 OF 2014)

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceeding in pursuant to the E-Tender Notification dated 05.03.2014 published in Eenadu Daily News Paper, Warangal edition on 06-03-2014 by calling the General Public to participate in the auction scheduled on 07-04-2014 in respect of subject property in the interest of justice.

**Counsel for the Petitioner : SRI G.PRABHAKAR SARMA, ADVOCATE FOR
SRI P.MEHAR SRINIVASA RAO**

Counsel for the Respondent Nos.1 & 2 : SRI B.S.PRASAD

Counsel for the Respondent Nos.3 & 4 : --

The Court made the following ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.10469 of 2014

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. G.Prabhakar Sarma, learned counsel representing Mr. P.Mehar Srinivasa Rao, learned counsel for the petitioner.

2. In this writ petition, the petitioner had assailed the validity of respondent Nos.1 and 2 in conducting the auction on 07.04.2014.

3. The writ petition is pending before this Court since 2014, in which no interim order has been passed. The issue with regard to mandate of the auction has been rendered academic.

4. The Writ Petition is therefore dismissed as infructuous.

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As a sequel, miscellaneous petitions, pending if any,
stand closed. There shall be no order as to costs.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SFI P.MEHAR SRINIVASA RAO, Advocate [OPUC]
2. One CC to SFI B.S.PRASAD, Advocate [OPUC]
3. Two CD Copies

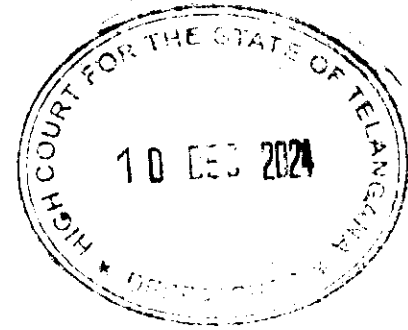
SA

GJP

K.P.

HIGH COURT

DATED:05/09/2024



ORDER

WP.No.10469 of 2014

DISMISSING THE W.P

AS INFRACTUOUS WITHOUT COSTS.

5 Copies
[Signature]
11/11/24