

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 16776 of 2015

1. P.S. Sureshkumar

2. Varalakshmi Sureshkumar

Petitioners

vs.

The Authorised Officer,
Vijaya Bank,
Ramanaickenpet Branch,
Via Ambalur,
Vaniyambadi Taluk,
Vellore District 635 801.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records relating to the impugned e-auction notice dated 15.04.2015 issued by the respondent in respect of the petitioners' property comprised in Survey No.54/2 (Old Survey No.145/2) situate at Door No.96, Palar River Road, Solur Village Panchayat, Ambur Block, Vaniyambadi, Vellore District, to quash the same.

For petitioners : Mr. G. Vinodh Kumar

For respondents : -----

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking to quash the impugned e-auction notice dated 15.04.2015 issued by the respondent bank in respect of the petitioners' property comprised in Survey No.54/2 (Old Survey No.145/2) situate at Door No.96, Palar River Road, Solur Village Panchayat, Ambur Block, Vaniyambadi, Vellore District.

2. It is contended by the learned counsel for the petitioner that the petitioner had already made substantial payment towards loan amount and therefore, it is suffice, if the petitioner

is given further opportunity to make the entire payment before consequential action is taken for selling the properties in question, i.e. the secured assets.

3. At this stage, recording the submissions made by the learned counsel for the petitioner, we are of the view that no adjudication is necessary in this matter. However, if substantial payment has been made as submitted by the petitioner, the respondent-Bank is required to consider the same before putting the properties of the petitioner on sale. Accordingly, we direct the respondent-Bank to consider the case of the petitioner and take an appropriate decision, on merits and in accordance with law, before taking the e-auction sale notice to its logical conclusion.

4. With the above observation and direction, this writ petition is disposed of. Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To
The Authorised Officer,
Vijaya Bank,
Ramanaickenpet Branch,
Via Ambalur,
Vaniyambadi Taluk,
Vellore District 635 801.

1 cc to Mr.G. Vinodh Kumar , Advocate Sr.No.28633

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tej (co)
pmk.25.6.2015

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