

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No. 5937 of 2015
and
M.P. Nos.1 & 2 of 2015

A.M.Karthikeyan

...Petitioner

Vs.

- 1 The Deputy General Manager,
NAP Management Group, South I,
IDBI Bank No. 115 Anna Salai,
P.B.Box.No.805, Saidapet,
Chennai.
- 2 The Authorised Officer,
IDBI Bank No.115 Anna Salai,
P.B.Box.No. 805, Saidapet,
Chennai.
- 3 Assistant General Manager
IDBI Bank Ltd,. No.72 May Flower, E Castle,
Dr.Balasundaram Road, ATT Colony,
Coimbatore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records of the 2nd respondent pertaining to the Auction Sale Notice dated 31.01.2015 published on New Indian Express news paper for the auction to be held on 06.03.2015 and quash the same.

For petitioners : Mr. K.P.S.Palanivelrajan

For respondents : --

ORDER

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

The petitioner has come up with this writ petition, questioning the legality and validity of the auction sale notice dated 31.1.2015 on the ground that the said notice has been published in the newspaper for auction to be held on 06.3.2015. Before publication of the notice for sale in the newspaper, a notice dated 29.1.2015 was issued to the petitioner as required under Rule 8(5) of the Security Interest (Enforcement) Rules, 2002. According to the petitioner, in the said notice, the date, place and time for the conduct of auction, was not notified and as such, the notice is vitiated and has to be quashed.

2. Once the petitioner has been served with the notice informing him that immovable secured assets will be sold within 30 days from the date of the said notice, the petitioner has full liberty to make an objection, if there is any defect in the notice issued to him. The purpose of issuing notice to the petitioner, giving 30 days time, is either to settle the dues or to make an objection, if any. At this stage, without taking re-course to the provisions of law by making an objection to the authorities concerned, the petitioner is not expected to file this writ petition, invoking the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

3. Thus, this writ petition is devoid of merits and is accordingly dismissed. However, liberty is reserved to the petitioner to make an objection, if so advised, under the provisions of law, to the above said notice dated 29.1.2015. Connected miscellaneous petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CO)

True Copy

Sub Assistant Registrar

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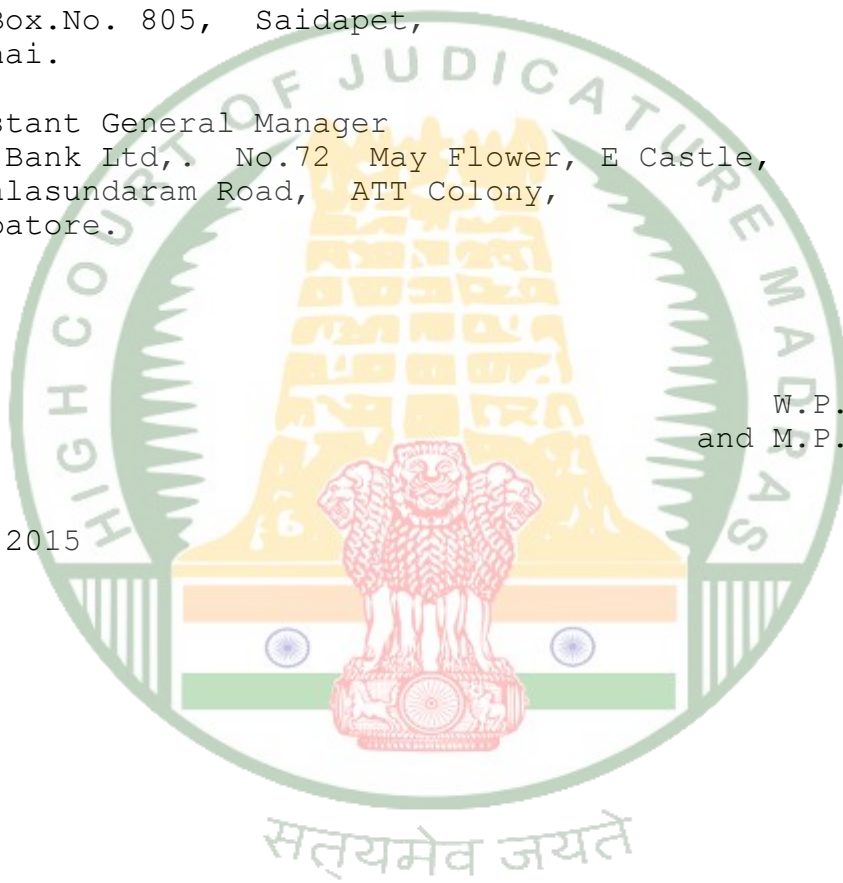
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To

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KGK [CO]
PSI 21.03.2015



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