

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

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

W.P. No.983 of 2015 and M.P. Nos.1 & 2 of 2015

S. Vinoth

Petitioner

vs.

- 1 The Regional Manager
Oriental Bank of Commerce
Regional Office
II Floor Spencer Plaza
769 Anna Salai
Chennai 600 002
- 2 The Assistant General Manager
Oriental Bank of Commerce
Regional Office
Spencer Plaza
769 Anna Salai, Chennai 600 002
- 3 The Authorised Officer
Oriental Bank of Commerce
Regional Office
Spencer Plaza
769 Anna Salai, Chennai 600 002

4 Parvathan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the entire records pursuant to the auction sale notice dated 14.12.2014 issued by the third respondent and quash the same and direct the respondent 1 to 3 to proceed against the primary security property, that is. Plot No.4, SIDCO, Ranipet and after the sale of the same, if there is any shortfall in the loan amount, then, to proceed against the collateral security property i.e., Door No.5/288/518, SIPCOT, Nethaji Nagar in Survey No.792, Karai Village, Walaja Sub-Registered District, Wallajah Taluk, Arakkonam Registration District, Vellore District for discharge of the liabilities incurred by the 4th respondent.

For petitioner

Mr. T.P. Prabakaran

For RR 1 - 3

Mr. K.S. Vasan
for M/s. Murthi and Vasan

ORDER

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

This writ petition is filed challenging the auction sale notice dated 14.12.2014 issued by the third respondent and for a direction to the respondent 1 to 3 to proceed against the primary security property, i.e.. Plot No.4, SIDCO, Ranipet and after the sale of the same, if there is any shortfall in the loan amount, then, to proceed against the collateral security property i.e., Door No.5/288/518, SIPCOT, Nethaji Nagar in Survey No.792, Karai Village, Walaja Sub-Registered District, Wallajah Taluk, Arakkonam Registration District, Vellore District for discharge of the liabilities incurred by the 4th respondent.

2 During the pendency of this writ petition, the respondent bank had issued a public notice for e-auction for re-sale of the secured asset in question, after giving notice to the borrower. The petitioner herein is a third party, claiming to have paid money to the borrower. Thus, he claims his right over the said secured asset.

3 We do not wish to go into the merits of the case as to whether the petitioner, being a third party, is entitled to recover money through the secured asset in question or not. However, we permit the petitioner to make a representation to the respondent bank, pursuant to the aforestated public notice. If a representation is made by the petitioner, the respondent bank is at liberty to consider the same and pass orders on its own merits and in accordance with law.

4 With the above direction, this writ petition stands disposed of. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Regional Manager
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1 cc to Mr.T.P. Prabakaran, Advocate, Sr. 87043
1 cc to M/s. Murthy and Vasan, Advocate, sr. 8737

W.P. No.983 of 2015

GJ (CO)
kk 18/2



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