

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM:

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

W.P. No.10905 of 2016 and W.M.P. No. 9500 of 2016

The Madras Glass and Plywood's Merchant Association
(Regn. No.296/1979)
represented by its President
No.72, Devaraja Mudali Street
Park Town, Chennai 600 003

Petitioner

vs.

1 The Recovery Officer
Debts Recovery Tribunal, Chennai - 1
VI Floor
Spencers Towers
770-A Anna Salai
Chennai 600 002

2 The State Bank of India
represented by its Assistant General Manager
Nungambakkam Branch
now SAR Branch
Red Cross Society Building
II Floor, No.32, Montieth Road, Egmore
Chennai 600 008

3 R. Gopal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records relating to the e-sale dated 09.02.2016 auction to be held on 24.03.2016 or any other subsequent dates by the first respondent and quash the same.

For petitioner Mr. T.L. Ram Mohan, Sr. Counsel
for Mr. R. Ashraf Khan

For R2 Mrs. S.R. Sumathy

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. S.R. Sumathy, learned Standing Counsel, accepts notice for the second respondent bank.

2 This writ petition is filed challenging the proclamation of sale dated 09 February 2016 made by the first respondent.

3 Today, when the matter is taken up for admission, the learned Standing Counsel for the second respondent bank submits that pursuant to the impugned proclamation of sale dated 09 February 2016, no bidder has come forward to submit bid within the specified date and hence, it is proposed to issue a fresh auction sale notice. In the event, a fresh auction sale notice is issued, the petitioner will be entitled to prior notice as per law. Thus, this writ petition has become infructuous.

4 There is no dispute over the fact that the impugned proclamation of sale is not taken to its logical conclusion on account of non-submission of any bid within the specified date.

Accordingly, this writ petition is dismissed as having become infructuous. Costs made easy. Connected W.M.P. is closed. cad

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1 The Recovery Officer
Debts Recovery Tribunal, Chennai - 1
VI Floor, Spencers Towers
770-A Anna Salai, Chennai 600 002

2 The Assistant General Manager
State Bank of India
Nungambakkam Branch now SAR Branch
Red Cross Society Building
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Chennai 600 008

+ 1 cc to Mrs.S.R.Sumathy, Advocate, SR 18347
+ 1 cc to M/s.R.Ashrf khan, Advocate, SR 18899

mp(co)
prk5/5

W.P. No.10905 of 2016