

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

CORAM:

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

W.P. No.11520 of 2016
and
W.M.P.No.9949 of 2016

K.R.Neelaveni .. Petitioner

Vs.

The Authorised Officer,
Bank of India,
Mylapore Branch,
No.120/174, Luz Church Road,
Mylapore,
Chennai-600 004. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to collect the amount due to them from the petitioner by waiving some portion of interest, entire penal interest and penalty within the time frame fixed by the court and consequently, to forbear the respondent from conducting e-auction.

For petitioner : Mr.C.Munusamy

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Without disclosing the entire facts of the case as to when the petitioner was served with the demand notice and also what steps were taken thereafter, the instant petition is filed, calling in question the e-auction notice dated 23rd February, 2016. The said e-auction notice was indisputably served on the petitioner, whereunder the proposed date of submission of online bid is mentioned as 28th March, 2016 and the date of e-auction would be 30th March, 2016. The petitioner has filed the instant petition at the fag end, apparently, to stall the e-auction on the ground that the petitioner is ready and willing to pay the entire amount on waiving of interest within a period of one week.

2 When a query is put as to when the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") was initiated and what steps the petitioner has taken thereafter, the learned counsel for the petitioner was evasive,

seemingly with an intention to hide the entire facts. At this stage, when an umpteen number of opportunities was given to the petitioner right from the date of issuance of the demand notice, the petitioner has not taken any steps before challenging the e-auction notice today, i.e., just one day before the date fixed for auction. This court is not inclined to show any indulgence to a person, who is not approaching the court with clean hands. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (AS)

/true copy/

Sub Asst. Registrar

vvk

To

The Authorised Officer,
Bank of India,
Mylapore Branch,
No.120/174, Luz Church Road,
Mylapore,
Chennai-600 004.

1 cc to Mr.C. Munusamy, Advocate, Sr. 19322

W.P. No.11520 of 2016

KGK (CO)
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सत्यमेव जयते

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