



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20634 of 2015 and M.P(MD)No.1 of 2015

AND

W.P(MD)No.17761 of 2016 and W.M.P(MD)Nos.12807 and 12808 of 2016

W.P(MD)No.20634 of 2015:

S.Murugan

... Petitioner

Vs.

The Authorised Officer,
Canara Bank,
R.S.Road,
Vadamadurai - 624 802.
Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondent from bringing e-auction of the petitioner's property on 21.11.2015 pending disposal of S.A.No.317 of 2015 on the file of the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.A.Shajahan

For Respondent : Mr.K.Muraleedharan

W.P(MD)No.17761 of 2016:

S.Murugan

... Petitioner

Vs.

The Authorised Officer,
Canara Bank,
Vadamadurai Branch,
R.S.Road,
Vadamadurai - 624 802.
Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the



entire records pertaining to the impugned e-auction notice dated 16.08.2016 issued by the respondent and quash the same and forbear the respondent from bringing the petitioner's house property situated in Survey No.1476, Plot No.26, Door No.59, P/8 at Vadamadurai, Vedasandur Taluk, Dindigul District into e-auction.

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For Petitioner : Mr.A.Kannan

For Respondent : Mr.K.Muraleedharan

COMMON ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

The petitioner - former employee of the respondent bank, having availed the housing loan, failed to repay the same and therefore, action was initiated under the provisions of the SARFAESI Act.

2. The petitioner filed W.P(MD)No.20634 of 2015 praying for issuance of a writ of Mandamus to forbear the respondent from bringing e-auction of the property on 21.11.2015 and pending disposal of the writ petition, this Court has granted an interim order on 20.11.2015, taking note of the submission of the petitioner that his son, aged about 31 years, has been diagnosed with kidney failure and he is undergoing dialysis and that he is also terminally ill and permitted the respondent to go ahead with the auction, but not to confirm the auction.

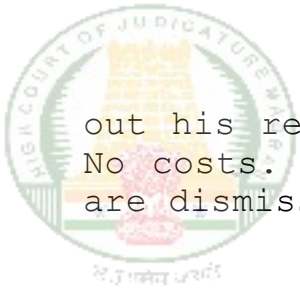
3. Now, the learned Counsel for the respondent bank would submit that in that auction also, there were no bidders since this Court ordered not to confirm the auction.

4. Subsequently, the petitioner challenging the subsequent e-auction notice dated 16.08.2016, fixing the date of auction on 19.09.2016, had filed W.P(MD)No.17761 of 2016, on the date of auction and this Court, taking note of the time for auction between 10.30 a.m. and 11.30 a.m., directed the learned Counsel for the petitioner to serve papers on the learned Counsel for the respondent bank and directed the matters to be listed today.

5. The learned Counsel for the respondent bank, on instructions, would submit that in respect of the e-auction which was held on 19.09.2016, there were no bidders.

6. In the light of the fact that there were no bidders for earlier two auctions, this Court is of the view that nothing

judication in these writ petitions. Therefore, both the writ petitions are dismissed. As and when the respondent bank initiates further auction, the petitioner is at liberty to work



out his remedy before the competent forum in accordance with law. No costs. Consequently, all the connected miscellaneous petitions are dismissed.

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/True Copy/

Sd/-

Assistant Registrar (AS)

Sub Assistant Registrar

rsb

GJM/PV/28.9.16-3P-1C

W.P (MD) No.20634 of 2015

and M.P (MD) No.1 of 2015

AND

W.P (MD) No.17761 of 2016

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