



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.433 of 2016

and

W.M.P(MD)No.353 of 2016

1.R.Ajaykumar
2.R.Ajithkumar
3.R.Dhanya Nair

...Petitioners

Vs.

1.The Chief Manager/Authorised Officer,
Canara Bank,
Fort Salem Branch,
Salem 636 001.

2.The Registrar,
Debts Recovery Tribunal,
Madurai.

3.G.Krishnaraj
4.O.Menaka
5.Madhu G.M.Gowda
6.N.Krishnamurthy

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring the entire sale held on 26.8.2015 and as null void unconstitutional and ultra vires of the Constitution of India.

For Petitioner

: Mr.K.P.S.Palanivelrajan

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioners have come up with the above writ petition challenging the auction sale notice held on 26.08.2015.

2.Heard Mr.K.P.S.Palanivelrajan, learned counsel for the petitioner.

3.As against the sale notice issued on 07.07.2015 proposing to hold the auction on 26.08.2015, the petitioners earlier came up with a writ petition in W.P(MD)No.15305 of 2015. That writ petition was dismissed at the admission stage, directing the petitioners to go before the Tribunal. This judgment was delivered in the light of the judgment of the Supreme Court in *United Bank of India Vs.Satyawati Tandon*, (2010) 8 SCC 110.

4.Accordingly, the petitioners also filed an appeal in <https://hcseraapp.nic.gov.in/Hcse2/065> as against the auction sale notice. It is now pending before the Debts Recovery Tribunal.



5. In the meantime, the respondents proceeded with the auction on 26.08.2015. Therefore, the petitioners have come up with a fresh writ petition challenging the sale held on 26.08.2015.

6. What's sauce for the goose, is sauce for the gander. What is the law for auction sale notice should be the law for the auction sale also. Therefore, the writ petition challenging the sale held on 26.08.2015 should meet with the same fate as the writ petition challenging the sale notice met with. There cannot be a different view. Hence, the writ petition is dismissed. It is open to the petitioners to seek amendment of the prayer in Debts Recovery Tribunal and seek expeditious hearing of the applications. The Debts Recovery Tribunal shall take into account all the facts and attempt to dispose of the appeals at an early date. No costs. Consequently, W.M.P.(MD)No.353 of 2016 is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Chief Manager/Authorised Officer,
Canara Bank,
Fort Salem Branch,
Salem 636 001.

2. The Registrar,
Debts Recovery Tribunal,
Madurai.

+1cc to M/s.K.P.S.Panivel Rajan, Advocate in SR.1451

Writ Petition (MD) No.433 of 2016
and W.M.P(MD)No.353 of 2016
08.01.2016

sms

PBK/PM-MP/SAR-II 25/01/2016 ::2P-4C::