

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.03.2017

CORAM

THE HONOURABLE MR. HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. NO. 32114 OF 2014

AND

M.P. NO. 1 OF 2014

M/s.Sowbarnika Enterprises .. Petitioner

Rep. by its proprietor Ms. Lalitha Balasubramanian
No.15 Mettu Street,
Velacherry, Chennai-42.

- Vs -

The Chief Manager/Authorized Officer
Punjab National Bank
No.160, Mahalingapuram Main Road
Chennai 600 034. .. Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Declaration declaring the online auction sale conducted by the respondent on 18.7.2014 as null and void.

For Petitioner : Mr. S.Kolandasamy
For Respondents : Mr. P.B.Sampathkumar

ORDER

(DELIVERED BY THE HON'BLE ACTING CHIEF JUSTICE)

This writ petition has been filed by the petitioner for a direction on the respondent to declaring the online auction sale conducted by the respondent on 18.7.2014 as null and void.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It appears that the respondent Bank has auctioned the property of the petitioner for a paltry sum by way of e-auction. It is the submission of the learned counsel for the petitioner that out of Rs.56 Lakhs, the petitioner has made substantial payment of Rs.54.50 Lakhs and only a very paltry sum is to be

paid back to the bank. However, the bank had e-auctioned the property, which is illegal, as the remaining amount along with interest that is due to be paid to the bank is only around Rs.13 Lakhs. It is the further submission of the petitioner that the property of the petitioner is valued at more than Rupees One Crore and only on account of some intervening problems faced by the petitioner, the petitioner was not able to make the balance payment. Had the petitioner been provided with a little breathing time, he would have paid the balance amount. However, without offering the petitioner the said time, the bank had sold the property by way of distress sale in connivance with other persons.

4. It appears that the difficulty expressed by the petitioner may be genuine, however, this Court is not the forum to express such grievance when an opportunity is available to the petitioner to approach the Debts Recovery Tribunal, which can look into the matter. Therefore, to render substantial justice, this Court, while staying the impugned e-auction of the property for a period of eight weeks, grants liberty to the petitioner to approach the Debts Recovery Tribunal and agitate the matter in accordance with law.

5. This petition is disposed of with the aforesaid observation and direction. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

To

The Chief Manager/Authorized Officer
Punjab National Bank
No.160, Mahalingapuram Main Road
Chennai 600 034.

W.P. NO.32114 OF 2014

AK (CO)
VR(20/03/2017)