

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

CORAM :

The Hon'ble Mr.Justice HULUVADI G. RAMESH
AND
The Hon'ble DR.JUSTICE S.VIMALA

W.P. No.14369 of 2017
and W.M.P.Nos.15583 and 15584 of 2017

N.Chandrasekaran

.. Petitioner

-vs-

The Manager
Indian Overseas Bank
Triplicane Branch,
Triplicane High Road, Chennai-5.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the respondent in proceedings e-auction notice dated 12.06.2017 and to quash the same and direct the respondent to avoid miscarriage of justice.

For Petitioner : Mr.S.Jayakumar
for Mr.T.K.Ashok Kumar

For Respondents : Mr.F.B.Benjamin George

O R D E R

(Order of the Court was made by Huluvadi G.Ramesh, J.)

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent-bank.

2. This writ petition is directed against the e-auction notice dated 03.05.2017 issued by the respondent in respect of the property bearing Plot No.21, measuring 3440 sq.ft. and Plot No.22, measuring 3096 sq.ft., in all measuring 6536 sq.ft. comprised in S.Nos.665/2 and 665/3 at ''Kubera Nagar Extension'', Pallikaranai Village, Sholinganallur Taluk (formerly Tambaram Taluk), Kancheepuram District, fixing the date of auction as 12.06.2017.

3. According to the petitioner, he is the real owner of the aforesaid property, a vacant land, which he has purchased from one Babu Kumar on 31.05.2013 and since then he is in possession of the same. However, when the property was not in use for a year, one Nandtha Kumar, by concocting the documents, sold the property to one Suresh Babu, who mortgaged the same in favour of the respondent-bank and obtained loan. Without proper enquiry and perusal of the documents, the respondent-bank granted loan and in collusion with the said Suresh Babu, the respondent-bank intended to throw the petitioner out of the property. On coming to know of the aforesaid facts, the petitioner has filed a civil suit in O.S.No.146 of 2017 before the District Munsif Court at Alandur, seeking for a bare injunction. In the meanwhile, the respondent-bank has sought to issue the impugned e-auction notice bringing the property for sale by auction, fixing the date of auction as 12.06.2017. Aggrieved by the same, the petitioner has challenged the e-auction notice.

4. It appears as per the submission of the learned counsel for the respondent-bank that though the auction has been fixed on 12.06.2017, it has not taken place.

5. That apart, the issue being one of civil in nature and the petitioner having already filed a suit before the civil Court, it is for the petitioner to pursue the civil suit filed by him and seek the relief in the manner known to law. The challenge in this writ petition is against the e-auction notice, but, the auction has not taken place, as scheduled.

6. In view of the above, nothing survives to be adjudicated in this writ petition and the same is, accordingly, disposed of as having become infructuous. No costs. Consequently, W.M.P.Nos.15583 and 15584 of 2017 are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

+lcc to T.K.Ashok Kumar, Advocate, Sr.No.41379

W.P.No.14369 of 2017

CS/21/06/17