

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17/7/2017

C O R A M

THE HONOURABLE MR.JUSTICE S. MANIKUMAR
AND
THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No.14953 of 2017

1. M/s. PRC International Hotels P. Ltd
rep. by its Managing Director
Mr.G.Senthil Kumar
Chennai 600 017.
 2. Mr.G.Kanakasubbu
 3. Smt. Booma Devi
- Petitioners

Vs

The Authorised Officer
Indian Overseas Bank
Commercial and Institutional Credit Branch
"Auras Corporate Centre"
Post Bag No.351 No.98 - A
Dr.Radhakrishnan Salai
Mylapore
Chennai.

.... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the e-auction notice, dated 9/5/2017, passed by the respondent and quash the same. and direct the respondent to regularise the account.

For Petitioner ... Mrs.Thenmozhi Shivaperumal
For Respondent ... Mr.Ashok Rajaraman
for Mr.Benjamin George

O R D E R
(Order of the Court was made by S.Manikumar,J)

Borrower has challenged, e-auction notice, dated 9/5/2017, by which e-auction has been fixed, on 15/6/2017.

2. Record of proceeding shows that on 14/6/2017, when the instant writ petition came up for hearing, a Hon'ble Division Bench has passed the following order:-

"Notice to the respondents returnable in four weeks.

Subject to the petitioner depositing an amount of Rs.10 crores, with the respondent Bank before 2.00 p.m., on 15/6/2017, there shall be an order of interim stay of all further proceeding pertaining to e-auction. Failing compliance of the above order, the order of interim stay granted above shall stand automatically dismissed. Notice."

3. Expressing difficulty in generating money for depositing, as directed by this Court, W.M.P.No.19583 of 2017, in W.P.No.14953 of 2017, has been filed, seeking for extension of time granted, on 14/6/2017.

4. Writ petitioner has a remedy to challenge the e-auction notice, before the appropriate forum. That apart, no auction has been held, on 15/6/2017. Prayer sought for in the writ petition has become infructuous and accordingly, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs.

To

The Authorised Officer
Indian Overseas Bank
Commercial and Institutional Credit Branch
"Auras Corporate Centre"
Post Bag No.351 No.98 - A
Dr.Radhakrishnan Salai
Mylapore
Chennai.

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.50443
+1cc to Mr.Benjamin George, Advocate, S.R.No.49950

W.P.No.14953 of 2017

RSI (CO)
CS/08/08/17