

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/10/2017

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26067 of 2017

Parimala

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Petitioner

Vs

1. The Branch Manager
State Bank of India
Dr. Sankaran Road
Namakkal Town
Namakkal Taluk & District.

2. N. Ganesan

3. N. Hari Krishnan

4. N. Natarajan

5. N. Krishnasamy

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Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorari to call for the e-auction sale notice, dated 23/8/2017, issued by the first respondent and quash the same as illegal.

For Petitioner सत्यमेव जयते Mr.A.Vinod Kumar

O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

E-auction notice, dated 23/8/2017 is the challenge in this writ petition.

2. After hearing the learned counsel for the parties, on 5/10/2017, we ordered as hereunder:-

"5. When the petitioner has an alternative and effective remedy to challenge the e-auction notice before the tribunal, in ordinary circumstances, writ petition does not require to be entertained.

However, on the representation of the learned counsel for the petitioner that the petitioner would pay 30% of the debt amount to the bank, within a period of three weeks from today, we deem it fit to order that e-auction sale may go on, but, confirmation of sale, be stayed till 20/10/2017. It is made clear that if the above said order is not complied with, within the stipulated time, interim stay granted shall stand vacated, without reference to the orders of this Court.

6. Notice to the respondents through Court and privately, returnable by 23/10/2017.

7. Post on 23/10/2017."

Thus, it is listed today.

3. On this day, Mr.A. Vinoth Kumar, one of the learned counsel on record, submitted that 30% of the debt amount, assured to be paid, within the said period has not been made and prays for withdrawal of the writ petition. Petitioner has not complied with the interim order, nor filed any application seeking for extension of time. Hence, as per the decision of the Hon'ble Supreme Court in Prestige Lights Ltd., Vs. State Bank of India, reported in {2007 (8) SCC 449}, not entitled to be heard.

4. In the light of the above, we are not inclined to grant permission to withdraw the writ petition. While dismissing the writ petition and vacating the interim order, Bank is at liberty to proceed further, as per the provisions of the statute. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Assistant Registrar
Dt.8.11.17

//True Copy//

Sub Assistant Registrar

To

The Branch Manager
State Bank of India
Dr. Sankaran Road
Namakkal Town
Namakkal Taluk & District.

Vd(co)
krd 24/11