



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.18312 of 2017

and

W.M.P. (MD) Nos.14767 and 14768 of 2017

Mrs.K.Uma Maheswari

: Petitioner

Vs.

1. Central Bank of India,
Cotton Market Branch,
Rep. by its Senior Manager,
T.B.Bhavanam,
147-D, T.P.Mills Road, Cotton Market,
Rajapalayam - 626 117,
Virudhunagar District.

2. Authorised Officer,
Central Bank of India,
Madurai.

3. Mr.Kandasamy,
Proprietor,
M/s.Monisha Garments,
19, Indra Colony,
Seithur, Rajapalayam Taluk,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Certiorarified Mandamus, to call for the records pursuant to the auction notice of the second Respondent dated 08.09.2017 with regard to the property of the Petitioner herein pursuant to the loan availed by the third Respondent from the first Respondent and quash the same and direct the first Respondent herein to re-schedule the loan account of the third Respondent by accepting the arrears of installments.

For Petitioner : Mrs.Lakshmi Gopinathan,
For M/s.Polax Legal Solutions
For Respondents 1&2 : Mr.N.Dilip Kumar

O R D E R



Heard the Learned Counsel for the Petitioner and the Learned Counsel appearing for the first and second Respondents.

2. It comes to be known that the Petitioner is assailing the auction notice dated 08.09.2017 issued by the second Respondent in this Writ Petition.

3. At this stage, it is brought to the notice of this Court that on 27.09.2017, in the present Writ Petition, the following order was passed:

"Mr.N.Dilip Kumar, Learned Counsel, takes notice for the Respondents and seeks time to get instructions. Post on 25.10.2017.

There shall be an order of interim stay on condition that the Petitioner shall deposit a sum of Rs.Two Lakhs (Rupees Two Lakhs only) to the Respondents on or before 10.10.2017 and another sum of Rs.2.00 Lakhs on or before 24.10.2017, failing which, the interim stay granted shall stand vacated automatically without reference to this Court."

4. Even the afore-stated conditional order has not been complied with by the Writ Petitioner in true letter and spirit as on today.

5. Considering the fact that the present Writ Petition before this Court is not *per se* maintainable in the eye of law, because of the latent and patent reason that the Writ Petitioner has a viable, alternative, effective and efficacious remedy before the competent Forum, namely the Debts Recovery Tribunal, Madurai, this Court, without expressing any opinion on the merits of the matter, dismisses the Writ Petition as not maintainable. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.86185

SML

VB/KP/SAR2/20.11.2017/2P/2C