



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:15.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (Md) No.2552 of 2017
and
W.M.P (MD) Nos.2120&2121 of 2017

K.Ramachandran

...Petitioner

Vs.

1.Punjab National Bank,
Asset Recovery Management Branch,
Dr.Nanjappa Road,
Coimbatore-18,
Represented by its Authorized Officer.

2.M/S.Valliammal Spinning Milla Private Limited,
216-A,Kantharam Avenue,
Sankarankovil Road,
Rajapalayam-626 117.

3.M/S.Jayasakthi Mills Private Limited,
4/151,Srivilliputhur-Rajapalayam Main Road,
M.P.Karisalkulam Post,Rajapalayam-626 110.

4.Punjab National Bank,
No.880/13,Rajeshwari Towers,
Tenkasi Road,
Rajapalayam-626 117,
Virudhunagar District,
Represented by its Authorized Officer.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned E-Auction Sale Notice to General Public notice dated 02.02.17 published by the first respondent in Indian Express English daily on 03.02.17 and quash the same as illegal insofar as properties belonging to the 3rd respondent and more fully set out in Item No.1 of the impugned notice are concerned.



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For Petitioner: Mr. M. Ajmal Khan
Senior Counsel for Mr. M. E. Ilango
For R-1 : M/S. R. Meena Kumari
For RR2 to 4 : No appearance

ORDER

[Order of the Court was made by **T. S. SIVAGNANAM, J.**]

Heard Mr. M. Ajmal Khan, Learned Senior counsel for Mr. M. E. Elango, learned Counsel for the petitioners and M/S. A. R. M. Ramesh, B. Rajesh, R. Meena Kumari, learned counsels for the first respondent-bank.

2. This Writ Petition has been filed challenging an E-Auction sale notice issued by the first respondent-Bank in respect of several items of properties with a view to recover the loan availed by the second respondent. The petitioner is aggrieved by the E-Auction sale notice only with regard to item No.1 of the property, namely the property belonging to the third respondent-M/s. Jayasakthi Mills Private Limited.

3. This Court by an order, dated 16.02.2017 while ordering notice of motion returnable in two weeks, granted an order of interim stay of the auction notice for a period of two weeks. The first respondent-Bank filed a memo today stating that there were no bidders for the property in the auction held on 09.03.2017. Thus the auction is said to have been conducted on 09.03.2017.

3. It is seen that this Court had granted an order of interim stay on 16.02.2017, at the request of the learned counsel on either side, the case was directed to be listed on 08.03.2017 and the order of interim stay already granted was extended till 08.03.2017. However, on 08.03.2017, the matter could not be listed as one of us (T. S. SIVAGNANAM, J) was not sitting and the Division bench was not constituted, taking advantage of the matter not being listed for hearing, the first respondent-Bank appears to have conducted the auction. The manner in which the first respondent-Bank acted has to be strongly deprecated. From the order sheet, it is evident that the request for adjournment on 03.03.2017 was not only made by the petitioner, but also by the first respondent-Bank. Therefore the court adjourn the matter to 08.03.2017 and in fact, in all fairness, the first respondent Bank should have defined the auction till the Court heard the matter when the case was directed to be listed on a specific date. Be that as it may, since there was no bidder in the auction, the impugned auction notice has worked itself out and the impugned notice is quashed.



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4. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar CS-I

/True Copy/

Sub Assistant Registrar

To
The Authorized officer,
Punjab National Bank,
Asset Recovery Management Branch,
Dr. Nanjappa Road,
Coimbatore-18.

2. The Authorized officer,
Punjab National Bank,
No. 880/13, Rajeshwari Towers,
Tenkasi Road,
Rajapalayam-626 117,
Virudhunagar District.

+1cc to Mr. A. R. M. Ramesh, Advocate, SR. 14918

ORDER MADE IN
W.P (MD) NO. 2552 of 2017
and
\W.M.P (MD) nos. 2120 & 2121 of

2017
KK-SVMMS-SAR2-23.03.2017-3p-4c