

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAIWAMY

W.P. Nos.21434 of 2018

and W.M.P.Nos.25171 and 25172 of 2018

Sukanya

.. Petitioner

-vs-

1.The Authorized Officer,
Indian Bank, SIDCO Building,
131, GST Road, Guindy Branch,
Chennai 600 032.

2.The Branch Manager,
Indian Bank, SIDCO Building,
131, GST Road, Guindy Branch,
Chennai 600 032.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the corrigendum dated 09.08.2018 issued by the respondent-bank modifying the sale notice dated 06.07.2018 and to quash the same and also to direct the first respondent to confirm the e-auction dated 09.08.2018 in favour of the petitioner with respect to both the properties by considering the representation of the petitioner dated 13.08.2018.

For Petitioner

: Mr.P.Raja

For Respondents

: M/s.S.R.Sumathy

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O R D E R

(Order of the Court was made by M.DURAIWAMY, J.)

The petitioner has filed the above writ petition to issue

certiorarified mandamus to call for the records pertaining to the corrigendum dated 09.08.2018 issued by the respondent-bank modifying the sale notice dated 06.07.2018 and to quash the same and also to direct the first respondent to confirm the e-auction dated 09.08.2018 in favour of the petitioner with respect to both the properties by considering the representation of the petitioner dated 13.08.2018.

2.It is the case of the petitioner that the first respondent-bank had brought certain properties by way of e-auction through its service provider. Out of the two properties that were brought to sale as per the notice of the Intended Sale dated 06.07.2018, the first property was described in full and in respect of second property, only the document under which the property was covered was described. Further, it is the case of the petitioner that the Branch Manager orally clarified that the property covered under the registered settlement deed dated 20.06.2006, i.e., the second item of the properties, was also for sale. According to the respondent-bank, both the properties were mortgaged with the bank and both the properties were brought to auction by notice dated 06.07.2018. The petitioner had participated in the e-auction and submitted her bid for a sum of Rs.64,30,000/- and the e-auction was closed on that day. According to the petitioner, she has also paid 25% of the bid amount, which was also acknowledged by the respondent-bank by letter dated 11.08.2018. However, on perusal of the letter dated 11.08.2018, the petitioner came to know that out of the two properties, only one property was mentioned and there was no whisper about the second property, which was also brought to auction on 09.08.2018. On receipt of the acceptance letter dated 09.08.2018, the petitioner made a representation dated 13.08.2018 to the respondent-bank seeking for clarification with regard to the same. Now, the petitioner has challenged the corrigendum dated 09.08.2018 and also the sale notice dated 06.07.2018 in this writ petition.

3.When the writ petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that instead of going into the correctness of the impugned order, it would be suffice to grant four weeks time to the petitioner to pay the balance amount and in such an event, the respondent-bank may be directed to confirm the sale in favour of the petitioner. The petitioner has also filed an affidavit of undertaking dated 03.09.2018, wherein in para 4, she has stated that she is willing to deposit the balance sale price of Rs.48,22,500/- on receipt of the confirmation of the sale issued by the respondent-bank within four (4) weeks from the date of confirmation letter.

4.However, the learned counsel appearing for the respondents-bank submitted that the petitioner may be granted time to pay the balance amount of Rs.48,22,500/- within four weeks from today.

5.We are also inclined to grant the petitioner four (4) weeks time from today for paying the balance sale price of Rs.48,22,500/-.

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6.Recording the affidavit of undertaking filed by the petitioner, we grant four (4) weeks time from today to the petitioner to pay the balance sale price of Rs.48,22,500/- to the first respondent-bank.

With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.25171 and 25172 of 2018 are closed.

Sd/-

Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

sra

To

1. The Authorized Officer,
Indian Bank, SIDCO Building,
131, GST Road, Guindy Branch,
Chennai 600 032.

2. The Branch Manager,
Indian Bank, SIDCO Building,
131, GST Road, Guindy Branch,
Chennai 600 032.

+2cc to Mr.Ralph v manohar, Advocate SR.No.60434
+1cc to Mr.SR. Sumathy, Advocate SR.No.60486

GM(04/09/2018)

W.P.No.12434 of 2018

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