



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.22514 of 2018

and W.M.P.(MD) Nos.20365 and 20366 of 2018

N.Kannan

... Petitioner

vs.

1. The Authorized Officer
Chief Manager,
Canara Bank
Regional Office,
Dindigul.

2. The Branch Manager,
Canara Bank
Batlagundu Branch
Dindigul Road
Batlagundu
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned E-Auction notice dated 24.10.2018 issued by the 1st respondent and quash the same insofar as the petitioner is concerned and consequently direct the respondents to restructure the payment schedule and forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the dwelling house.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.Pala Ramasamy

ORDER

(Order of the Court was made by T.RAJA, J.)

The present writ petition is directed against the impugned E-auction notice dated 24.10.2018 issued by the 1st respondent on the ground that when this Court in W.P.(MD) No.2724 of 2017 vide order dated 27.03.2017 dismissed the said writ petition as not maintainable against the impugned notice dated 28.11.2016 directing the petitioner to give his reply to the impugned notice within a period of 15 days, as OTS proposal was also given on 25.04.2017, but it is not known what happened to the notice. However, it is



submitted that a reminder was given on 25.10.2017 and the respondent, without considering and passing any order on his OTS offer on 25.04.2017 and reminder on 25.10.2017, cannot proceed with the E-auction notice dated 24.10.2018. He has also submitted that although he has borrowed Rs.3 lakhs in the year 2014 from the respondent Bank, he has repaid Rs.2,01,734/-, however, there is no particulars for the repayment of said amount enclosed before us. Again, he offered to pay the loan amount with a request to the Bank to restructure his account.

2. Opposing the above prayer, the learned counsel for the respondent Bank urges this Court to dismiss the writ petition stating that the earlier writ petition has already been dismissed by this Court by order dated 27.03.2017 giving a finding against the petitioner that the said writ petition was not maintainable, however, liberty was given to the petitioner to give a reply to the earlier impugned notice dated 28.11.2016 and based on the said order, the petitioner has also given his reply on 25.04.2017 and the same has also been rejected.

3. In any event, we are not inclined to entertain the present writ petition, as the petitioner has got effective, efficacious and statutory remedy before the Debts Recovery Tribunal, Madurai. The writ petition fails and the same is, accordingly, dismissed. However, the petitioner is at liberty to approach the Debts Recovery Tribunal. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Authorized Officer
Chief Manager, Canara Bank
Regional Office, Dindigul.

2. The Branch Manager,
Canara Bank, Batlagundu Branch
Dindigul Road, Batlagundu, Dindigul District.

+1 cc to Mr.D.Shanmugaraja Sethupathi, Advocate, SR.No.94317

+1 cc to Mr.Pala.Ramasamy, Advocate, Sr.No.94405

RR

SS/RSK/SAR 4/26.12.2018/2P/5C