

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.6165 & 6169 of 2019

and

W.M.P.No.6995,6998, 7002,7004, 11190 & 11193 of 2019

P.Vijayalakshmi ...Petitioner in W.P.No.6165 of 2019

A.Palanisamy ...Petitioner in W.P.No.6169 of 2019

Vs.

1. M/s. IDBI Bank Ltd.,
rep. by its Branch Manager,
Semmipalayam Branch,
3/528, D.K.N.Puram,
S.A.P.Nagar,
Palladam (Taluk),
Tirupur District - 641 662.
2. M/s. National Collateral
Management Mktyard Pvt.Ltd.(NCML)
Classic Tower,
1547, D.No.103, 5th Floor,
Near Government Hospital,
Trichy Road,
Coimbatore - 641 018. ...Respondents in both the W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent relating to the e-Auction Notice for cotton dated 20.02.2019 and quash the same insofar as the petitioners are concerned.

For Petitioners
in both the W.Ps. : Mr.R. Bharathkumar

For Respondents
in both the W.Ps. : Mr.Suresh
for M/s. Sivakumar & Suresh for R1

Mr.V.Sounder Rajan for R2.

C O M M O N O R D E R

In both these writ petitions, the respective writ petitioner challenged the e-auction notice issued by the first respondent Bank scheduling the auction on 05.03.2019.

2. When the matter was taken up for admission on 04.03.2019, this Court, by way of an interim order dated 04.03.2019 stayed the e-auction subject to the condition that the petitioner in W.P.No.6165/2019 to pay a sum of Rs.4,00,000/- and the petitioner in W.P.No.6169/2019 to pay a sum of Rs.10,00,000/- on or before 25.03.2019. Thereafter, the matter was taken up on 26.03.2019, on which date, it was represented that only part of the conditional order was complied with and further time is required for complying with the order in full. Accordingly, this Court adjourned the matter by two weeks. Thus, the matter is listed today for further hearing.

3. Learned counsels for the petitioner and first respondent Bank submitted that the petitioners did not comply with the condition imposed in the interim order. Therefore, it is evident that the petitioners are not interested in complying with the condition imposed by this Court, while granting the interim stay. Consequently, the interim stay already granted cannot be continued, as the petitioners have not come forward to comply with the condition. Learned counsel for the first respondent Bank further submitted that the date of auction notified in the impugned notice is also over and therefore, fresh notice has to be issued.

4. Considering the the above stated facts and circumstances and in view of the specific fact that the petitioners have not complied with the conditional order, interim stay granted already is liable to be vacated and both the Writ Petitions have to be dismissed, in view of the fact that the petitioner has not shown any bonafide before this Court in pursuing the matter further. Accordingly, both the Writ Petitions are dismissed by granting liberty to the first respondent Bank to issue fresh notification.

5. It is stated that part amount was paid by way of complying with the conditional order namely, a sum of Rs.2,85,000/-, in one case. If any such payment is made by the

petitioners, the same shall be given credit to by the first respondent towards the loan amount. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Branch Manager,
M/s. IDBI Bank Ltd.,
Semmipalayam Branch,
3/528, D.K.N.Puram,
S.A.P.Nagar, Palladam (Taluk),
Tirupur District - 641 662.

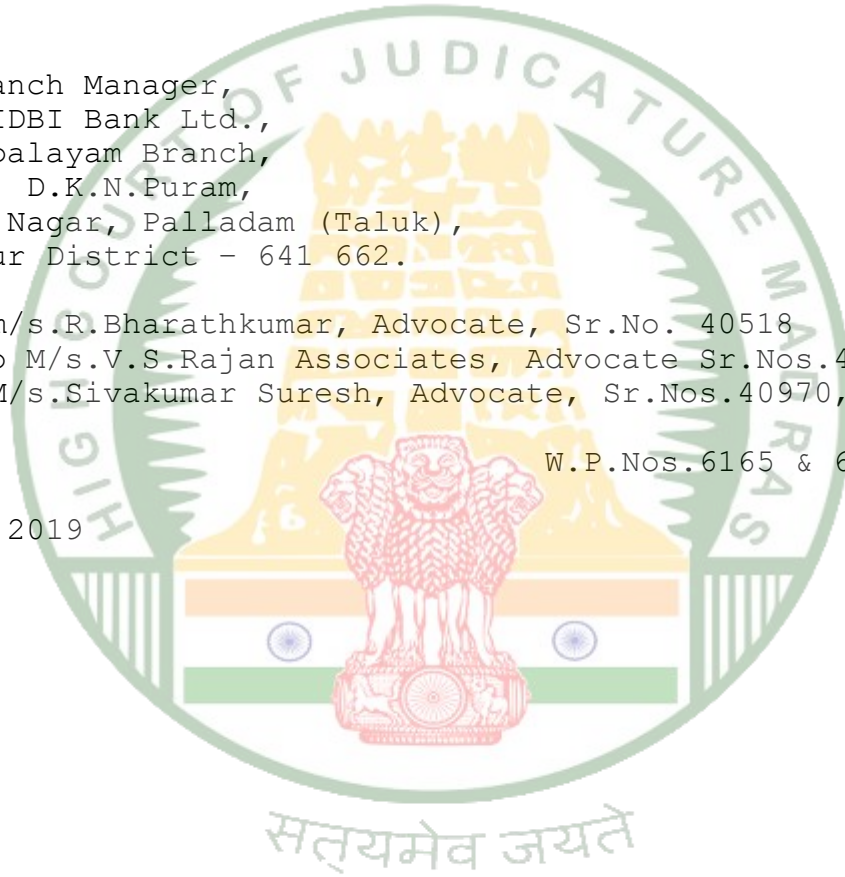
+1 cc to m/s.R.Bharathkumar, Advocate, Sr.No. 40518

+2 cc's to M/s.V.S.Rajan Associates, Advocate Sr.Nos.40076,40077

+2 cc to M/s.Sivakumar Suresh, Advocate, Sr.Nos.40970,40969

W.P.Nos.6165 & 6169 of 2019

RSV(CO)
CSL/28.05.2019



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