

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.30379 of 2019

- 1 M/S.D.M.SILKS
Rep. by Proprietrix
S.Geetha, W/o.D.Sampath
59, Karukkinil Amarthaval Koil Street
Kancheepuram - 631 501.
- 2 D.Sampath ... Petitioners
- Vs
- 1 The Authorised Officer
Tamilnad Mercantile Bank Ltd.
For Kancheepuram Branch
40A, Vanigar Street
Kancheepuram - 635 501.
- 2 D.Selvam ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of certiorari calling for all records on the file of the 1st respondent pertaining to the sale notice dated 26.09.2019 and quash the same.

For Petitioners : Mr.T.V.Badrinarayanan

For Respondents : Mr.Anil Relwani
for 1st respondent

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The learned counsel for the first respondent bank, Mr.Anil Relwani, submits that in pursuance of the impugned sale notice dated 26.9.2019, the sale could not be conducted as there were no bidders for the property in question.

2. However, the learned counsel for the petitioners, Mr.T.V.Badrinarayanan, submitted that the question of undervaluation of the property in question is involved in the present case. He submitted that the property is worth Rs.3.5 Crores, whereas the upset price fixed by the first respondent bank is Rs.36 lakhs. We are not inclined to decide the said question at this stage, as the impugned sale notice has become infructuous now.

In such view of the matter, giving liberty to the petitioner to assail the fresh sale notice issued by the first respondent bank in future, the present writ petition is dismissed. No costs. Consequently, W.M.P.Nos.30369 and 30370 of 2019 are closed.

Sd/-

Assistant Registrar(CS)

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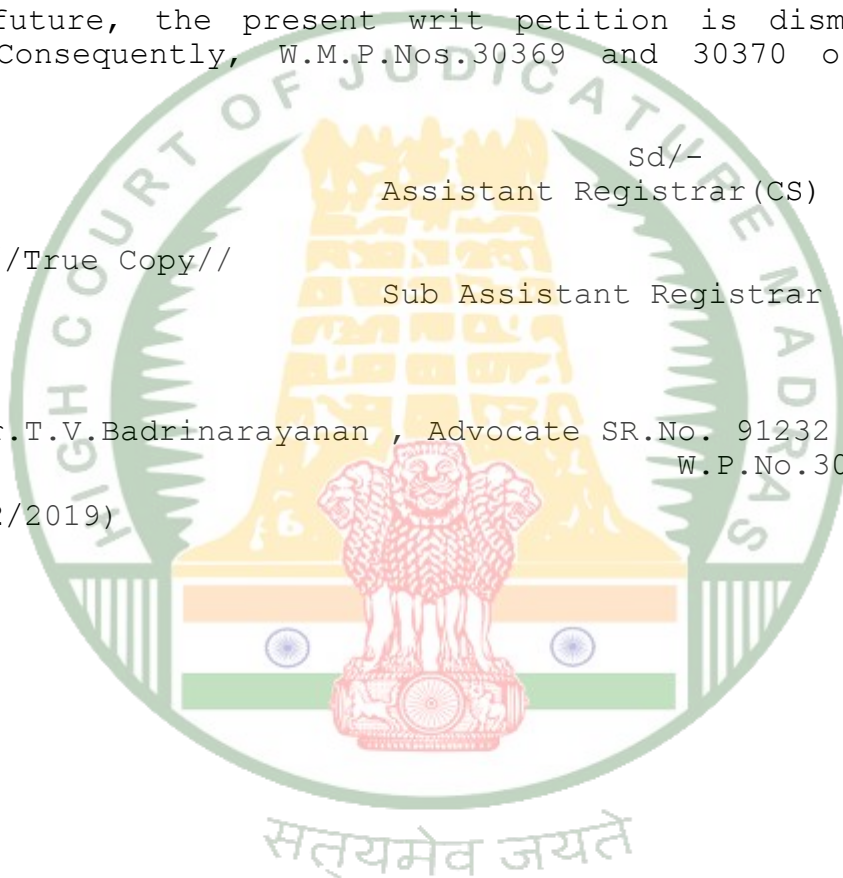
Sub Assistant Registrar

sasi

+1cc to Mr.T.V.Badrinarayanan , Advocate SR.No. 91232

W.P.No.30379 of 2019

A.SK(13/12/2019)



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