

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Dated: 01.07.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**W.P. (MD) No.7614 of 2019****and****W.M.P. (MD) No.6053 of 2019**

D.Chinnathambi

... Petitioner

vs.

1) The Bank of India,
Rajapalayam Branch,
402, Thenkasi Road,
Rajapalayam,
Virudhunagar District.

2) The Authorised Officer,
Bank of India, 1st Floor,
STAR House, 324 Oppanakara Street,
Coimbatore 641 001.

... Respondents

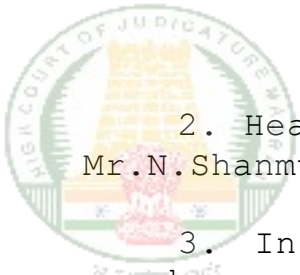
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to extend the period of 90 days for the payment of balance sale amount by the petitioner in respect of 3rd item of the property of the E-Auction sale dated 31/12/2018 comprised in S.No.2708/6 in plot no.2, South Portion of the building namely Poonam Trading, measuring 2889 sq.ft situated at Pudur Vandipathai, Madurai District from 31/03/2019 to 30/04/2019 on the basis of the application submitted by the petitioner to the respondents dated 14.03.2019 within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.N.Shanmugaselvam,
Additional Government Pleader

ORDER(Order of this Court was made by **K.RAVICHANDRABAABU, J.**)

The prayer sought for in this Writ Petition is for a Writ of Mandamus to direct the respondents to extend the period of 90 days for the payment of balance sale amount by the petitioner in respect of the 3rd item of the property of the E-Auction sale dated 31/12/2018 on the basis of the application submitted by the petitioner to the respondents dated 14.03.2019.



2. Heard Mr.M.Ponniah, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned counsel for the respondents.

3. In fact, the petitioner, who claims to be the auction purchaser, seeks extension of time for payment of sale consideration. When this matter is taken up for further hearing after issuing notice to the other side, the learned counsel appearing for the petitioner submitted that during the pendency of the present writ petition, the respondent Bank issued proceedings dated 10.05.2019 whereby they have cancelled the very sale itself. Therefore, he submitted that he must be given liberty to challenge the said proceedings before the Debts Recovery Tribunal.

Since this writ petition is filed only for a limited purpose for extending the time limit for payment of sale consideration and in view of the fact that in the meantime the very sale itself is cancelled, we are of the view that it is for the petitioner to work out his remedy as against the cancellation of such sale before the Debts Recovery Tribunal. Granting such liberty, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.6053 of 2019 is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

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To

1) The Bank of India,
Rajapalayam Branch,
402, Thenkasi Road,
Rajapalayam, Virudhunagar District.

2) The Authorised Officer,
Bank of India, 1st Floor,
STAR House, 324 Oppanakara Street, Coimbatore 641 001.

+ 1 CC TO Mr.M.Ponniah, ADVOCATE IN SR No.72938
+ 1 CC TO Mr.Pala.Ramasamy, ADVOCATE IN SR No.72859

Order made in
W.P. (MD) No.7614 of 2019

Dated:01.07.2019