



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P.(MD).Nos.12777 and 19754 of 2019

and

W.M.P.(MD).Nos.9511, 16206, 16242 and 16243 of 2019

K.Perumal ... Petitioner in both W.Ps

Vs.

1.The Authorized Officer/
Chief Manager,
Indian Overseas Bank,
Regional Office,
Plot No.40m 80 feet Road,
Arignar Annanagar,
Madurai-20

2.The Branch Manager,
Indian Oversease Bank,
Through its Branch Manager,
Chinnamanur Branch,
Uthamapalayam Taluk,
Theni District.

... Respondents in both W.Ps

COMMON PRAYER:These petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating with the impugned E-Auction notice dated 30.04.2019, 26.08.2019 respectively, issued by the first respondent, relating with the land measuring 62 cents in S.No.239/8B in Veppampatti Village and quash the same as it is arbitrary and illegal.

For Petitioner
in both W.Ps : Mr.R.Suriyanarayanan

For R1 and R2
in both W.Ps : Mr.N.Dilipkumar



COMMON ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Suriyanarayanan, learned counsel appearing for the petitioner and Mr.N.Dilipkumar, learned counsel appearing for the respondents.

2.The petitioner has filed the writ petition in W.P.(MD). No.12777 of 2019 challenging the E-Auction notice issued by the first respondent/Bank bringing the petitioner's property for sale for default in payment of the loan amount.

3.When the writ petition was entertained, an interim order was passed granting interim protection subject to certain conditions. The petitioner has paid a sum of Rs.1 lakh on 06.06.2019 and further amount of Rs.5 lakhs on 12.09.2019. Thus, the condition stipulated in the order dated 04.06.2019 has not been fully complied with. Further, we note that the auction was already over, but it appears that there were no bidders. The grounds raised in this writ petition cannot be adjudicated by us and according to the borrowers, the land cannot be brought for sale and his remedy lies elsewhere, ie., before the Debt Recovery Tribunal(DRT).

4.However, we give one more opportunity to the petitioner to approach the respondent/bank and workout the settlement well before the next date of auction.

5.Insofar as the writ petition in W.P.(MD).No.19754 of 2019 is concerned, nothing survives for adjudication in this writ petition, as the subsequent sale auction notice was put to challenge in this writ petition.

6.For the reason assigned by us, as above, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Authorized Officer/
Chief Manager,

Indian Overseas Bank,

<https://hcservices.ecourts.gov.in/hcservices/>



Plot No.40m 80 feet Road.

Regional Office,
Plot No.40m 80 feet Road,
Arignar Annanagar,
Madurai-.

2.The Branch Manager,
Indian Oversease Bank,
Through its Branch Manager,
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1 CC to M/s.N.DILIP KUMAR, Advocate (SR-89575[F] dated 26/09/2019)

W.P.(MD).Nos.12777 and 19754 of 2019

and

W.M.P.(MD).Nos.9511, 16206, 16242 and 16243 of 2019

_KK/SAR/18.10.2019/3P-4C/