



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE Mrs. JUSTICE R.THARANI

W.P.(MD)No.15219 and 15624 of 2019
and
W.M.P.(MD)No.11737, 11738 and 12306 of 2019

W.P.(MD)No.15219 of 2019:

P.Varadharajan

... Petitioner

Vs.

1.The Authorized Officer,
State Bank of India,
SAM Branch,
Raja Plaza, First Floor,
No.1112, Avinashi Road,
Coimbatore 641 037.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Management,
Rukumani Mills Ltd.,
Silaiman,
Madurai 625 201.

4.S.Balasubramanian

5.K.Kumarappan

... Respondents

(R4 and R5 are impleaded vide order dated 29.07.2019 in W.M.P.(MD) No.13297 of 2019)

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned e-auction sale notification in auction ID 164252 dated 07.06.2019 issued by the first respondent Bank and quash the same as illegal and consequently, to direct the first respondent Bank to issue fresh notification by including the dues of petitioner union members gratuity due of Rs.7,39,78,109/- along with other union members workmen due and conduct the auction.



For Petitioner : Mr.T.Sivakumar

For Respondents : Mr.V.Meenakshi Sundaram for R1

Mr.S.Balasubramanian(R4 - party in person)

WEB COPY

W.P. (MD)No.15624 of 2019:

S.Balasubramanian

... Petitioner

Vs.

The Authorized Officer,
State Bank of India,
SAM Branch,
Raja Plaza, First Floor,
No.1112, Avinashi Road,
Coimbatore 641 037.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned sale notice dated 07.06.2019 issued by the respondent and the sale is scheduled to be held on 17.07.2019 and quash the same on the ground that the same is arbitrary and illegal.

For Petitioner : Mr.S.Balasubramanian (Party-in-Person)

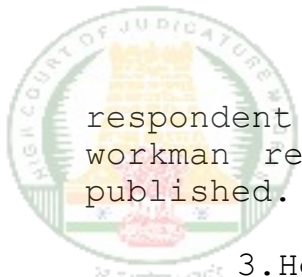
For Respondents : Mr.V.Meenakshi Sundaram

COMMON ORDER

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

This Writ petition in W.P.(MD)No.15219 of 2019 has been filed by Mr.P.Varadharajan, Vice President, Madurai Ramnad District National Textiles Workers Union, Madurai District. The reason for filing the Writ petition, challenging an auction notice issued by the State Bank of India, the first respondent herein, was on the ground that the dues payable to the workers, who are affiliated to the petitioner / Union has been left out and another rival union has been alone shown as an encumbrance in the auction notification.

2.Mr.Meenakshi Sundaram, learned counsel appearing for the first respondent / Bank submitted that pursuant to the impugned auction notification, auction was called for, but there were no bidders. Consequently, the auction came to an end. Further, by referring to the counter affidavit filed by the first respondent / Bank, it is submitted that in the next proceedings which may be initiated by the first respondent / Bank for recovery, the first



respondent / Bank assures that in the encumbrance, the dues of the workman represented by the petitioner / Union will also be duly published.

3.Heard Mr.S.Balasubramanian, the petitioner in W.P.(MD) No.15624 of 2019 who appears as party in person.

4.The petitioner has filed the Writ petition in W.P.(MD) No.15624 of 2019, challenging a sale notice issued by the respondent / Bank raising various grounds and more particularly, the property has been ridiculously undervalued and then the property actually would fetch several crores more than what has been fixed by the respondent / Bank. Further it is submitted that no due diligence was done by the respondent / Bank before the impugned sale notice was issued.

5.The petitioner would submit that there are several other grounds on which the impugned sale notice is vitiated.

6.Upon perusal of the counter affidavit filed by the respondent / Bank we find that there would be no necessity for us to venture into the correctness of impugned sale notice as, as on date, the sale notice does not survive. This is because on the date fixed for the sale, there were no bidders. This would mean that the sale notice automatically lapsed. Therefore, the prayer sought for in this Writ petition has become infructuous. However, we hasten to add that merely because the Writ petition has become infructuous that does not mean that there has been an adjudication on the grounds raised by the petitioner in this Writ petition. We leave open all issues to be canvassed by the petitioner at the appropriate stage before the appropriate forum.

7.With the above observations, these Writ petitions are closed. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

nbg

To

1.The Authorized Officer,
State Bank of India,
SAM Branch, Raja Plaza, First Floor,
No.1112, Avinashi Road,

<https://hcservices.gov.in/hcservices/> 037.



2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Management,
Rukumani Mills Ltd.,
Silaiman,
Madurai 625 201.

+2 CC to M/s.V.MEENAKSHISUNDARAM, Advocate (SR-85688 & 85689 [F]
dated 06/09/2019)

W.P. (MD)No.15219 and 15624 of 2019
05.09.2019

JMN(04.10.2019) 4P : 6C