

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2438 of 2020
and
W.M.P.Nos.2832 & 2833 of 2020

M/s.Rajeswari Automotives Pvt. Ltd.,
Represented by its Managing Director
Shri.G.V.Adimoolam ... Petitioner

vs

The Assistant Provident Fund Commissioner/
Recovery Officer
Employees Provident Fund Organization
Ministry of Labour and Employment
Government of India
Gandhiji Road, Erode-1. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari calling for the records from the file of
the respondent in the Auction Sale Notice dated 07.01.2020 published on
22.01.2020 in Dhina Thanthi and The Hindu bearing
No.CB/SL/96082/Erode/Recovery/2019-2020 and quash the same.

For Petitioner : Mr.P.J.Sri Ganesh
For Respondents : Mr.R.Thirunavukkarasu
standing counsel

ORDER

This Writ Petition is filed challenging the auction sale notice dated 07.01.2020 published on 22.01.2020 in 'Dhina Thanthi' and 'The Hindu' bearing No.CB/SL/96082/Erode/Recovery/2019-20.

2. After notice and adjourning the matter on few occasions, this matter is listed today for further hearing.

3. While entertaining the Writ Petition on 05.02.2020, this Court directed the respondent to proceed with the sale and however, not to confirm the sale in favour of the successful bidder until further orders. Today, when the matter is taken up for further hearing, the learned counsel for the petitioner as well as the learned counsel appearing for the respondent submitted that though the auction was conducted, there was no bidder and thus, the property remains unsold.

4. In view of the fact that the auction could not take place on the scheduled date as provided under the impugned auction sale notice since there was no bidder, this Court is of the view that nothing survives in this writ petition to be adjudicated upon further as any further action to auction the property is to be preceded with a fresh auction notice.

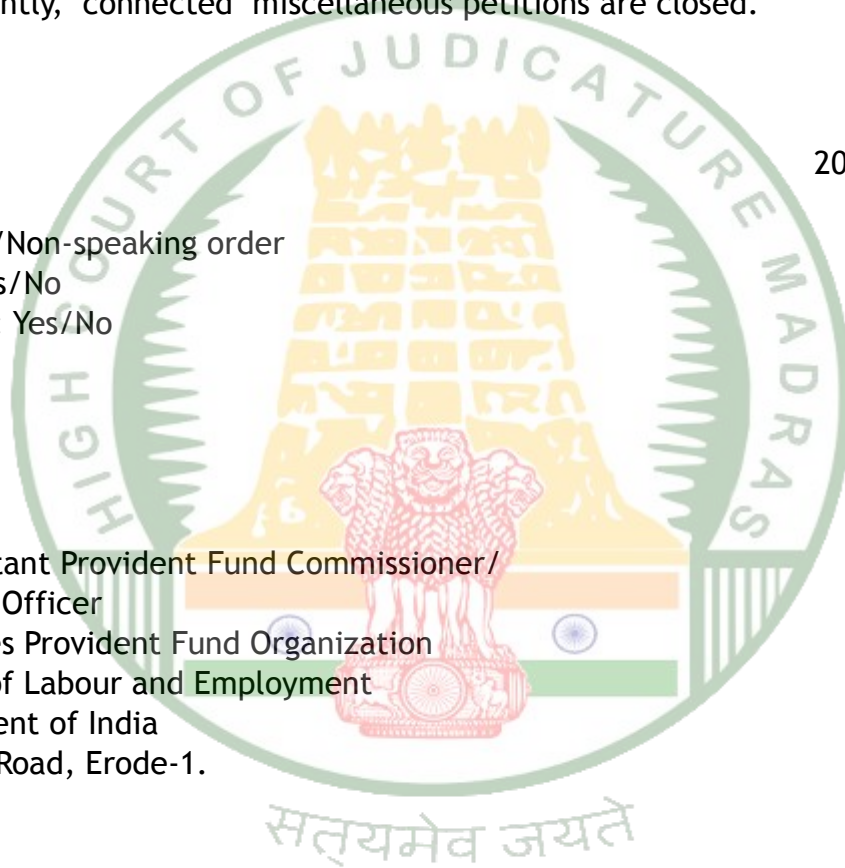
Needless to state that if any such auction notice is issued, it is open to the petitioner to challenge the same by raising all the contentions. Thus, this Writ Petition is disposed of as infructuous, without expressing any view on the merits of the contentions raised by both parties. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2020

Speaking/Non-speaking order
Index: Yes/No
Internet : Yes/No
vsi

To

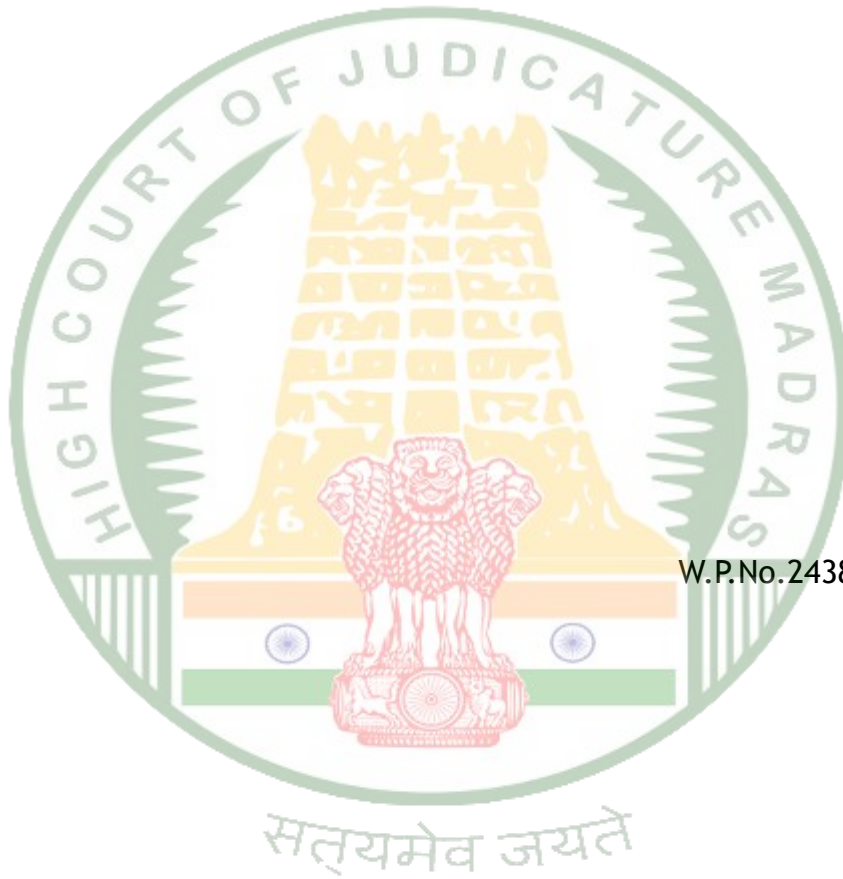
The Assistant Provident Fund Commissioner/
Recovery Officer
Employees Provident Fund Organization
Ministry of Labour and Employment
Government of India
Gandhiji Road, Erode-1.



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