

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.4062 of 2020
and
W.M.P.Nos.4798 & 4799 of 2020

Dhanabaggiyam Petitioner

Vs.

1.The Regional Manager,
Bank of Baroda,
Regional Office,
Gandhi Nagar,
Coimbatore.

2.The Chief Manager,
Bank of Baroda,
Krishnagiri Branch,
Krishnagiri.

3.P.M.Jayachitra Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records in connection with e-auction notice dated 07.01.2020 issued by the 2nd respondent and quash the same with regard to residential property situated at bearing Door No.4/399C, 4/399D, 4/399E, 4/399F, 4/399G in Survey No.204/2A2, New Survey No.204/2A2D33, Rajiv Nagar, D.K.Samy School backside, Bainapalli Village, Venkatapuram Panchayat, Krishnagiri Taluk and District measuring 2000 sq.ft. with all building.

For Petitioner : Mr.K.Thiruvengadam

O R D E R

The petitioner/Guarantor challenges the vires and legality of the e-auction sale notice dated 07.01.2020 issued by the 2nd respondent on the ground that three items of properties are

sought to be sold for recovery of around Rs.1,81,95,695.87 and it would be sufficient that, instead of selling all the three items of properties, the properties can be sold one by one, as per the serial number of the items of properties. The items of properties-1 and 2 would satisfy the recoverable dues and therefore, there is no necessity to sell the 3rd item of property, which belongs to the petitioner.

2.It is also brought to the notice of this Court by the learned counsel appearing for the petitioner that, in the e-auction sale fixed on 18.02.2020, there were no bidders and he would pray that it would be sufficient to direct the respondents 1 and 2 to consider the representation of the petitioner dated 16.01.2020 at an early date.

3.This Court has considered the submissions of the learned counsel appearing for the petitioner and perused the materials available on record.

4.Though the petitioner was one of the partners, he claims that he was relieved from the partnership firm, however, this Court is not inclined to go into the legality or otherwise of the said argument, as it is between the petitioner and the 3rd respondent.

5.This Court, in the light of the facts and circumstances of the case, without going into the merits either in the writ petition or in the representation given by the petitioner, directs the respondents 1 and 2 to consider and dispose of the representation of the petitioner dated 16.01.2020 on merits and in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and also to the 3rd respondent.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

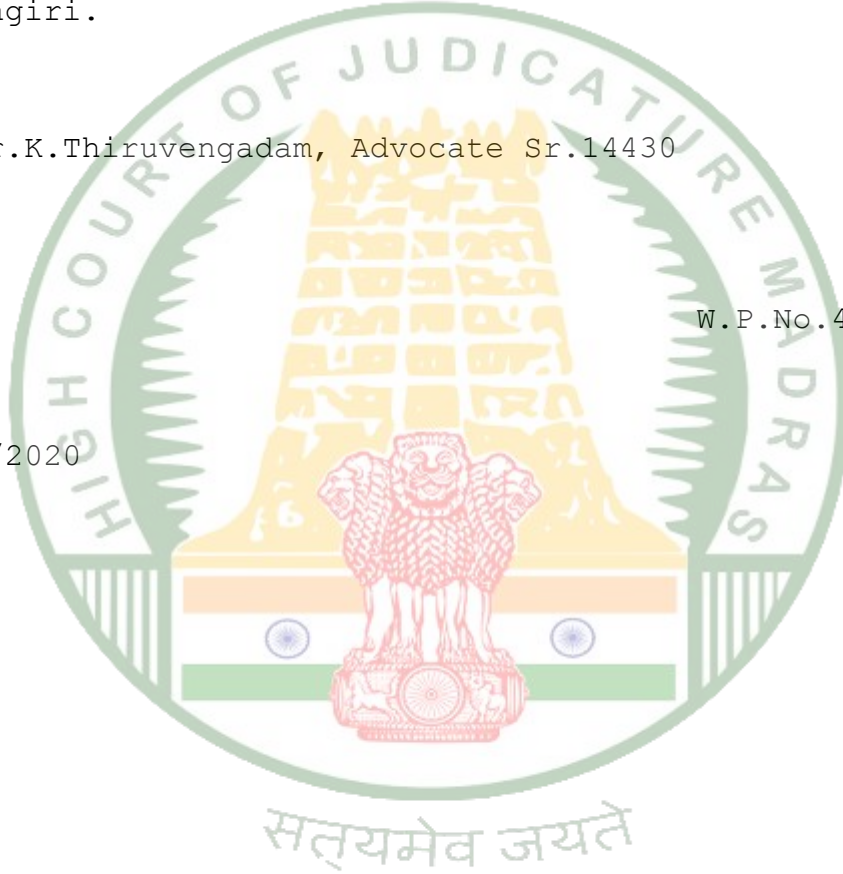
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+1cc to Mr.K.Thiruvengadam, Advocate Sr.14430

W.P.No.4062 of 2020

sr[co]
srg 18/03/2020



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