

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27594 of 2013
&
M.P.Nos.1 to 3 of 2013

S. Kumar

... Petitioner

vs

1.The Authorised Officer,
Indian Bank, Zonal Office
Wallaja Taluk,
Vellore District.

2.The Branch Manager,
Indian Bank, Wallaja Taluk,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus Calling for the relevant to the Paper Publication in Daily Thanthi dated 29.9.2013 in respect of Auction sale of the petitioners Tractor Mahendra 453-D1 Sakthiman bearing Registration No.TN 73 2638 Chassis No. S4580700779 in Serial No.7 issued by the 1st respondent and quash the same as illegal improper unreasonable without fair opportunity and natural justice and thereby direct the respondents to receive the balance due amount on installment basis from the petitioner.

For Petitioner : Mr.B.Sundara Pandiyan
For Respondents : Mr.Rajendran Raghavan

ORDER

This writ petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The writ petition has been filed to call for the records relating to Paper Publication in Daily Thanthi dated 29.9.2013 in respect of Auction sale of the petitioner's Tractor Mahendra 453-D1 Sakthiman bearing Registration No.TN 73 2638, Chassis No. S4580700779 in Serial No.7 issued by the 1st respondent and quash the same as illegal, improper, unreasonable without fair opportunity and natural justice and thereby direct the respondents to receive the balance due amount on installment basis from the petitioner.

3. At the time of admission, while issuing notice to the respondents and granting an order of interim stay of all further proceedings of the above said Auction Notice, this Court, had directed the petitioner to deposit a sum of Rupees One lakh on or before 21.10.2013, failing which, it was open to the respondents to proceed with the auction.

4. The learned counsel appearing for the respondents, would state that immediately after the deposit of the above said sum of Rs.1,00,000/-, the vehicle was returned to the petitioner and thereafter, though opportunities were given to the petitioner to settle the amount amicably with the bank, no steps seemed to have been taken.

5. As the writ petition is filed challenging the auction notice issued in the Daily Thanthi on 29.09.2013, fixing the auction date as 04.10.2013, it has now become infructuous for the reasons, (1) time fixed in the notice was over and (2) the possession of the vehicle seized, was already returned to the petitioner.

6. In view of the above, nothing survives for adjudication in the writ petition and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Asr/rsi

To

- 1.The Authorised Officer,
Indian Bank, Zonal Office
Wallaja Taluk,
Vellore District.
- 2.The Branch Manager,
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