

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.35673 of 2019

M/s.Erode Vidhya Mandhir Educational Trust,
Represented by its Chairman & Secretary,
M.Nadarajamoorthy,
No.52, R.S.Road, Ingur Post,
Perundurai Taluk,
Erode District - 638 052. Petitioner

Vs

1.Corporation Bank,
Represented by its Authorized Officer,
Erode Branch,
No.278/279, Gandhiji Road,
Erode - 638 011.

2.The District Collector,
No.41/2, Nathaji 2nd Street,
Sanjay Nagar,
Karuvapilai Nagar,
Erode - 638 011.

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of certiorari or any other appropriate writ order or direction calling for the records on the files of the 1st respondent Bank pursuant to the Sale Notice dated 03.12.2019 published in Indian Express on 04.12.2019 and quash the same as illegal.

For Petitioner : Mr.S.Rajesh

For Respondents

Mr.N.Sivabalan
: for M/s.S.Sethuraman for R1
Mr.G.K.Muthukumar, Spl GP
for R2

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

What has been challenged in the writ petition is the Sale Notice dated 3.12.2019 published in the Indian Express on 04.12.2019 pursuant to the non-payment of the amount due by the petitioner in favour of the first respondent/Bank.

2. It appears from the averments made that already proceedings are initiated and pending before the Debt Recovery Tribunal. Appeal has been preferred, in which, an interim order has been granted on condition that the petitioner pays a sum of Rs.3 crores. Resultantly, the proceedings has been stayed.

3. Therefore, we are of the view that there is no need to keep this writ petition pending any longer. If the petitioner chooses to challenge the consequential order passed by the Tribunal, it is well open to the petitioner to do so. Therefore, giving such a liberty to the petitioner, the Writ Petition stands closed. No Costs. Consequently, connected C.M.P.Nos. 36582 and 36584 of 2019 are closed.

4. We make it clear that all the issues are left open to be challenged before the Tribunal. It is also open to the parties to file appropriate application for further orders, if so advised.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

1.The District Collector,
No.41/2, Nathaji 2nd Street,
Sanjay Nagar,
Karuvapilai Nagar,
Erode - 638 011.

+1cc to Mr.S.Sivanandam, Advocate, S.R.No.18119
+1cc to Mr.S.Sethuraman, Advocate, S.R.No.18420

W.P.No.35673 of 2019

sel(CO)

jrs(28/05/2020)