



WEB COPY

W.P.(MD).No.6635 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) .No.6635 of 2020

and

W.M.P. (MD) No.5984 of 2020

Mr.P.Tamilarasu

: Petitioner

Vs.

The Authorized Officer/
Assistant General Manager,
Indian Bank,
Trichy Cantonment Branch,
Trichy District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent bank not to proceed further in respect of the impugned sale notice issued by the respondent bank dated 12.02.2020 in respect of the petitioner's residential building situated in Survey Nos.7/1, 7/2, Door No.61-A at Azad Nagar, 3rd Street, Ramani Lakshmi Ammal Illam, K.K.Nagar, K.Sathanur SRO, Tiruchirapalli District, till the disposal of the appeal filed by the petitioner before the Debts Recovery Appellate Tribunal, Chennai, on the basis of his representation dated 23.05.2020.

For Petitioner

: Mr.M.Ponniah

For Respondent

: Mr.P.N.Satagopan

Standing Counsel for Respondent

O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to forbear the respondent bank not to proceed further in respect of the impugned sale notice issued by the respondent bank dated 12.02.2020 in respect of the petitioner's residential building situated in Survey Nos.7/1, 7/2, Door No.61-A at Azad Nagar, 3rd Street, Ramani Lakshmi Ammal Illam, K.K.Nagar, K.Sathanur SRO, Tiruchirapalli District, till the disposal of the appeal filed by the petitioner before the Debts Recovery Appellate Tribunal, Chennai, on the basis of his representation dated 23.05.2020.



2. On 12.06.2020, this Court passed the following order:

"The petitioner has approached this Court challenging the impugned sale notice issued by the respondent in respect of his residential building in Survey Nos.7/1 and 7/2, Door No.61-A at Azad Nagar, 3rd Street, Ramani Lakshmi Ammal Illam, K.K.Nagar, K.Sathanur SRO, Tiruchirappalli District, dated 12.02.2020 and sought for an interim injunction till the disposal of the appeal pending before the Debts Recovery Appellate Tribunal, Chennai.

2.According to the learned Counsel for the petitioner, as against the sale notice dated 12.02.2020, he filed a petition in S.A.No.103 of 2020, before the Debts Recovery Tribunal [DRT], Madurai and he also filed an interlocutory application in I.A.No.416 of 2020 for an interim stay of the impugned sale notice, wherein DRT, Madurai vide order dated 03.03.2020 granted an interim stay in favour of the petitioner with a condition to the petitioner to deposit a sum of Rupees 1,46,97,000/- directly to the respondent bank on or before 02.04.2020 as 1st installment, another sum of Rs.1,46,97,000/- directly to the respondent bank on or before 02.05.2020 as 2nd installment and another sum of Rs.1,46,97,000/- directly to the respondent bank on or before 02.06.2020 as 3rd installment and the interim stay was granted till 02.06.2020 by directing the respondent bank not to confirm the sale till such time. However, if the conditional order is not complied with, the said interim stay shall stand vacated automatically, as per the order of DRT, Madurai.

3.The above mentioned interim stay was granted on 03.03.2020 by DRT, Madurai. Since the first installment fixed by DRT, Madurai was huge, the petitioner also filed an appeal before the Debts Recovery Appellate Tribunal [DRAT], Chennai in AIR.SA.No.72 of 2020 on 15.05.2020. But, according to the learned Counsel for the petitioner, DRAT, Chennai is not functioning due to COVID-19 Pandemic and therefore, he sought indulgence of this Court, in view of the orders passed by a Division Bench of this Court in W.P(MD)No.6126 of 2020, on 27.03.2020, wherein this Court has passed an order extending the interim orders till 30.04.2020 in view of the prevailing COVID-19 Pandemic.

4.The learned Counsel for the petitioner submitted that to show *bona fide*, the petitioner is willing to



pay a sum of Rs.20,00,000/- [Rupees Twenty Lakh] on or before 24.06.2020. As accepted, the petitioner is directed to deposit Rs.20 Lakhs with the Respondent Bank before 24.06.2020.

5.The learned Counsel for the petitioner is directed to serve notice on the respondent Bank. There shall be an order of interim injunction as prayed for till 24.06.2020.

6.Call on 24.06.2020."

3. Today, when the matter was taken up for hearing, the learned Standing Counsel for the Bank submitted that the sale was effected to one D.Venkatasubramanian and the Sale Certificate was issued as early as on 06.06.2020.

4. In view of the fact that the third party interest has arisen, we are of the view that the Writ Petition cannot be maintained. Hence, this Writ Petition is dismissed. However, it is always open to the petitioner to work out his remedy before the appropriate forum. All the interim orders shall stand vacated. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Order made in
W.P. [MD] .No.6635 of 2020
Dated: 25.06.2020

AP(03/07/2020) 3P 1C