



WEB COPY

W.P(MD)No.7133 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P (MD)No.7133 of 2020

and W.M.P. (MD)No.6573 of 2020

C.Senthil Kumar

... Petitioner

Vs.

1.The Authorised Officer,
City Union Bank Limited,
Administrative Office,
No.24-B Gandhi Nagar,
Kumbakonam-612001.

2.The Branch Manager,
City Union Bank Limited,
TVS Nagar Branch,
A 32, Lakshmi Street,
TVS Nagar, Madurai-625003.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records pertaining to the Impugned Auction sale Notice of the first respondent in C.O/REC/NPA/2020-2021 dated 02.06.2020 and quash the same.

For Petitioner : Mr.S.Ram Sundarvijayaraj
for M/S.Veera Associates

For Respondents : Mr.M.Prakash

ORDER

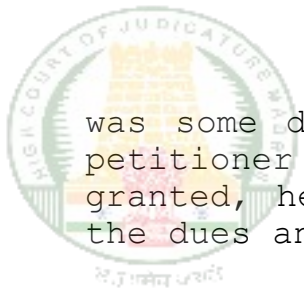
[Order of the Court was made by **M. SATHYANARAYANAN, J.,**]

The petitioner had availed loan facilities from the second respondent and in view of the defaults committed, proceedings were initiated under the Securitization and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (SARFAESI) against the petitioner.

2. The petitioner in this writ petition makes a challenge to the impugned auction sale notice, dated 02.06.2020, in and by which the date of auction was fixed on 25.06.2020.

3. The learned counsel appearing for the petitioner would submit that on account of outbreak of COVID-19 Pandemic virus, there

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was some difficulties in running business and inspite of that the petitioner had made payment of Rs.15 lakhs and if reasonable time is granted, he may be in a position to submit a proposal for settling the dues and prays for appropriate time.

4. Per contra, the learned standing counsel appearing for the respondents would submit that auction sale held on 25.06.2020 and there were no bidders and as such the auction could not rectify. It is the further submission of the learned standing counsel appearing for the respondents 1 and 2 that as on date the petitioner is due and payable more than Rs.7 Lakhs and add.

5. This Court had considered the rival submissions and perused the materials available on record.

6. The Writ petitioner made a challenge to the auction sale notice dated 02.06.2020 and admittedly the sale held, in pursuant to the said impugned notice, did not rectify, as there were no bidders.

7. In the light of the said developments, nothing remains for further adjudication in this writ petition. Therefore, this writ petition is dismissed. If the petitioner is so advised, if it is available to him under law, he is always at liberty to approach the respondents for settlement of the dues. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns/rj2

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.

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