



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.11745 of 2020

and

W.M.P. (MD)Nos.10188 and 10189 of 2020

WEB COPY

S.Thirumalai

... Petitioner

Vs.

1.The Authorised Officer,  
Tamil Nadu Industrial Investment  
Corporation Limited (TIIC),  
98/C4, II Floor,  
Chairman Shunmuga Nadar Road,  
Sivakasi Town,  
Virudhunagar District.

2.The Branch Manager,  
Tamil Nadu Industrial Investment  
Corporation Limited (TIIC),  
98/C4, II Floor,  
Chairman Shunmuga Nadar Road,  
Sivakasi Town,  
Virudhunagar District.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned online auction sale notice dated 27.08.2020 on the file of the first respondent and quash the same and consequently, direct the respondents to give waiver of the interest amount.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.Saravanan

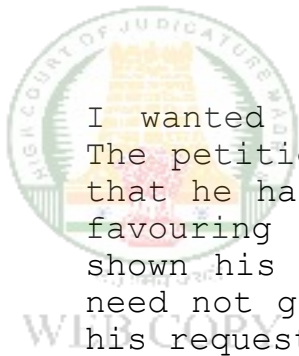
### **O R D E R**

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent Corporation.

2.The petitioner had availed financial assistance from the respondent corporation. He had given his property as collateral security. There was default on the part of the petitioner. Therefore, by the impugned auction sale notice, the property offered as collateral security has been brought to sale. The same is questioned by the petitioner on very many grounds. One of the ground is that the property is likely to fetch around a crore of rupees. But the respondents have fixed the upset at price less than Rs.30,00,000/-.

3.I do not want to go into the contentious issue at present.

<https://hcservices.ecourts.gov.in/hcservices/>



I wanted to know if the petitioner would show his bonafides. The petitioner's counsel readily accepted the said offer and stated that he had already taken a demand draft for a sum of Rs.5,00,000/- favouring the respondent Corporation. Since the petitioner has shown his bonafides, I am of the view that the auction proceedings need not go on. The petitioner further states that he would submit his request for one time settlement.

4.I, therefore, quash the impugned auction sale notice. The respondents can encash the demand draft given by the petitioner for the said sum of rupees. Out of the said Rs.5,00,000/-, the expenses incurred by the respondent Corporation towards publication and other auction related aspects can be straight away appropriated. As regards the balance amount, the mode of appropriation will abide by the order that will be passed by the respondent Corporation on the OTS proposal given by the petitioner. The petitioner's counsel states that within 10 days, the petitioner would make his OTS proposal. The Competent Authority of TIIC will pass orders on the said OTS proposal within a period of six weeks thereafter.

5.The Writ Petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

**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.

To

1.The Authorised Officer,  
Tamil Nadu Industrial Investment  
Corporation Limited (TIIC),  
98/C4, II Floor,  
Chairman Shunmuga Nadar Road,  
Sivakasi Town,  
Virudhunagar District.



2.The Branch Manager,  
Tamil Nadu Industrial Investment  
Corporation Limited (TIIC),  
98/C4, II Floor,  
Chairman Shunmuga Nadar Road,  
Sivakasi Town,  
Virudhunagar District.

+1 CC to M/s.R.SARAVANAN, Advocate ( SR-17175[F] dated  
16/09/2020 )

**W.P. (MD) No.11745 of 2020**

**KK(21.09.2020) 3P 4C**