



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.09.2020
CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

WEB COPY

W.P. (MD) No.13356 of 2020
and
WMP (MD) No.11144 of 2020
(Through Video conferencing)

- 1.M/s.Yuvethan Exports
Sole Proprietors Concern
Represented by its Proprietor
T.Thayabaran.
- 2.T.Thayabaran
- 3.Mrs.Nirmala
- 4.M/s.PTM Export
Represented by its sole Proprietor
P.Thillaiambalam.

... Petitioners

-Vs-

- 1.The Authorised Officer,
Karur Vysya Bank Limited,
16, A.A.Road, Gnanaolivupuram,
Divisional Office, Madurai.
- 2.The Branch Manager,
Karur Vysya Bank Limited,
Thiruppalai Road, Madurai District.
- 3.The Presiding Officer,
Debts Recovery Tribunal, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the notice with Ref.ARB/MDU/Auction/PTM/27/2020-21 dated 07.09.2020 issued by the 1st respondent and quash the same insofar as E-auction held on 29.09.2020 between 3.00 p.m. to 4.00 p.m.

For Petitioner : Mr.V.Karthikeyan for
Mr.S.Panneer Selvam
For Respondents : Mr.Pala Ramasamy for R1 & R2
R3-Tribunal



ORDER

[Order of the Court was made by **M. SATHYANARAYANAN, J.,**]
The writ petitioner/borrower made a challenge to the impugned sale notice dated 07.09.2020, issued by the first respondent under Rule 9(1) of the Security Interest (Enforcement Rules) 2002 read with SARFAESI Act, 2002.

2. The learned counsel appearing for the petitioner would submit that pendency of the SARFAESI Appeal No.279/19 on the file the DRT, Madurai, the conditional interim order has been complied with and despite that the secured assets of the petitioner was once again brought for sale and hence, prays for appropriate orders.

3. Mr.Pala Ramasamy, learned Standing counsel accepts notice on behalf of respondents 1 and 2 and on instructions, would submit that in the impugned sale notice dated 07.09.2020, the date of re-auction was fixed at 29.09.2020 between 3 p.m. and 4 p.m. and the said sale did not fructify for want of bidders.

4. In the light of the same, nothing remains for adjudication in this writ petition.

5. Therefore, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

+1 CC to M/s.S. PANNEERSELVAM, Advocate (SR-18622[F]
dated 01/10/2020)

Order made in
W.P. (MD) No.13356 of 2020
30.09.2020

vsm

SDS (13.10.2020) 2P-2C