



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.18020 of 2020

and W.M.P. (MD) Nos.15040, 15042 and 15047 of 2020

Omana Purushothaman

: Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Kanyakumari Branch,
Kanyakumari District.

2.The Branch Manager,
Canara Bank,
Kanyakumari Branch,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent pertaining to its sale notice bearing number Ref:SN/1026.285.10217/768.327 dated 22.10.2020 and to quash the same and consequently, directing the respondents to release the property bearing Re-Survey No.304/14A of Arumanai Village, admeasuring 5 cents along with Building No.1-37 of the petitioner after receiving a sum of Rs.30,00,000/- by considering the request made by Mrs. Smily within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has come forward with this Writ Petition, challenging the sale notice bearing number Ref:SN/1026.285.10217/768.327, dated 22.10.2020, issued by the first respondent, by which, the petitioner's residential house was brought for sale.

2.Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondents.



3.Mr.N.Dilip Kumar, learned Standing Counsel for the respondents would submit that the property was already sold to a third party and the third party deposited the money to the Bank. However, the money paid by the auction purchaser has been repaid and the sale itself has been cancelled and therefore, the Bank intends to bring the property for fresh auction. The said submission is recorded.

4.Since the sale itself has been cancelled, nothing survives for adjudication in this Writ Petition and the same is closed. It goes without saying that if the petitioner has any grievance, she has a right to approach the Bank for proper redressal of the grievance and if the grievance is not redressed properly, the petitioner is always at liberty to approach appropriate forum. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

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.N.DILIP KUMAR, Advocate (SR-24500[F] dated 08/12/2020)

**W.P. (MD) No.18020 of 2020
07.12.2020**

KVN(CO)
TR(22.12.2020) 2P 2C