



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.12.2020**

CORAM:

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

AND

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

W.P. (MD)No.17999 of 2020

and W.M.P. (MD)Nos.15015 and 15016 of 2020

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T.Saminathan

... Petitioner

Vs.

The Authorized Officer,
Canara Bank,
Devakottai Branch,
Devakottai,
Sivagangai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Certiorarified Mandamus, to call for the records of the impugned e-auction sale notice of the respondent, under Proceedings No.Nil, dated 23.10.2020 and quash the same as illegal and direct the respondent to permit the petitioner to settle the entire dues under One Time Settlement enabling the petitioner to redeem the mortgaged property.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.N.Dilipkumar

ORDER

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

The petitioner has come before this Court challenging the E-auction notice dated 23.10.2020, by which, the auction was scheduled on 25.11.2020.

2. Heard Mr.M.Kannan, learned counsel for the petitioner and Mr.N.Dilipkumar, learned counsel for the respondent.

3. It is evident from the records that sale notice was issued on 23.10.2020 and the auction was conducted on 25.11.2020. Moreover, the amount due and payable by the petitioner is Rs.3,80,92,215.55/- (Rupees Three Crores Eighty Lakhs Ninety Two Thousand Two Hundred and Fifteen and paise fifty five only). In the auction, a third party purchased the property and the auction is also confirmed and the third party's interest got accrued by way of auction.



4. Therefore, the writ petition is not maintainable before this Court. However, it is open to the petitioner to approach the Debts Recovery Tribunal for his remedy, by making the third party purchaser as a party to the proceedings.

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5. Granting liberty as above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

The Authorized Officer,
Canara Bank,
Devakottai Branch,
Devakottai,
Sivagangai District.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-24746[F] dated 09/12/2020)

+1 CC to M/s.M.KANNAN, Advocate (SR-25020[F] dated 11/12/2020)

W.P. (MD) No.17999 of 2020

09.12.2020

PU (CO)

AP (14/12/2020) 2P 4C