

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16-04-2021
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.8153 of 2012
And
MP No.2 of 2012

The Repatriates Co-operative Finance and
Development Bank Ltd (REPCO Bank),
No.33, North Usman Road,
T.Nagar,
Chennai-600 017 Rep. by its Managing Director. .. Petitioner

vs.

1.Tax Recovery Officer,
Tirupur Range and Range-V,
Coimbatore,
O/o.Joint Commissioner of Income Tax,
No.121, Adams Building,
60 Feet Road,
Tirupur-641 602.

2.M/s.NEPC Agro Foods Limited,
No.36, Wallajah Road,
Chennai-600 002. .. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the impugned Auction Sale Notice of the first respondent dated 29.02.2012 and to quash the same as illegal in so far as it pertains to Property No.2 already decreed/attached and subsequently owned by this petitioner.

For Petitioner : Mr.A.Ilangovan
For Respondent-1 : Mr.A.P.Srinivas,
Senior Panel Counsel.
For Respondent-2 : Ms.M.Mathangi for
Mr.P.Elango

O R D E R

The relief sought for in the present writ petition is to quash the Auction Sale Notice dated 29.0.2012 issued by the first respondent.

2. In the similar circumstances, the very same writ petitioner viz. The Repatriates Co-operative Finance and Development Bank Ltd (REPCO Bank) filed WP No.8339 of 2014 and the Hon'ble Division Bench of this Court passed an order on 08.01.2019, which reads as under:-

"The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the impugned Auction Sale Notice of the 2nd respondent dated 06.02.2014 and to quash the same as illegal and further direct the 2nd respondent against taking any action affecting the secondary charge of the petitioner on the schedule mentioned property.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that since no auction was conducted pursuant to the sale notice dated 06.02.2014, the Writ Petition has become infructuous.

3. In view of the submission made by the learned counsel for the petitioner, the Writ Petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petitions are closed."

3. In the abovesaid writ petition also, the writ petitioner has challenged the Auction Sale Notice issued by the authorities.

4. In view of the fact that the facts are similar in respect of the writ petition on hand, the said order of the Hon'ble Division Bench of this Court, is to be followed.

5. Accordingly, the writ petition stands disposed of as infructuous. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn
To

Tax Recovery Officer,
Tirupur Range and Range-V,
Coimbatore,
O/o.Joint Commissioner of Income Tax,
No.121, Adams Building,
60 Feet Road,
Tirupur-641 602.

+1cc to Mr.A.Ilangovan , Advocate SR.No. 23749
+1cc to Mr.P.Elango , Advocate SR.No. 23296
+1cc to Mr.A.P.Srinivas, Advocate SR.No.23303

WP No.8153 of 2012

A.SK(18.05.2021)



WEB COPY