



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.25480 of 2021

N.Radha
Proprietor, Radha Constructions
No.17E, Ganapathy Layout
K.K.Pudur, Saibaba Colony
Coimbatore - 641 038.

.. Petitioner

Vs

The Authorised Officer,
Canara Bank,
Brooke Bond Branch,
R.S.Puram,
Coimbatore - 641 002.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records in respect of sale notice Ref.No.6166.140.1360 dated 26.10.2021.

For the Petitioner : Mr.P.Ayyaswamy

For the Respondent : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The petitioner challenges the sale notice dated 26.10.2021. Learned counsel submits that the petitioner is making effort for one time settlement with the bank and, therefore, willingness of the petitioner to settle the dues can be inferred. However, the bank is bent upon to sell the property and, accordingly, the challenge is made to the sale notice. It is with a prayer to direct the respondent bank to accept the one time settlement.



2. Notice of the writ petition has not been issued. However, learned counsel appearing for the bank has entered appearance and informed that pursuant to the auction sale notice under challenge no bid was received and, accordingly, the auction failed.

3. In view of the above, the challenge to the auction sale notice has rendered infructuous and, accordingly, writ petition is dismissed with liberty to the petitioner to avail the remedy before the Debts Recovery Tribunal if fresh sale notice is issued by the bank.

4. At this stage, learned counsel for the respondent bank further submitted that even the proposal for one time settlement has failed for the reason that the petitioner did not pay any amount for one time settlement.

5. In view of the above, we are not giving any direction in regard to one time settlement. However, if it is still permissible, the petitioner would be at liberty to pursue the respondent bank for one time settlement, for which the dismissal of the writ petition would not come in her way.

There will be no order as to costs.

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

sasi

To:

The Authorised Officer,
Canara Bank,
Brooke Bond Branch,
R.S.Puram,
Coimbatore - 641 002.

+1cc to Mr.P.Ayyaswamy, Advocate SR.No.61907

W.P.No.25480 of 2021

SSI (CO)
GMY (03/12/2021)