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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM :

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P.(MD) No.6039 of 2021

and

W.M.P(MD).No.4719 of 2021

C.Rani

.. Petitioner

Vs

1. The Chief Financial Officer,
Reserve Bank of India,
Central Office Building,
17th Floor,
Sahit Bhagat Singh Road,
Mumbai - 400 001.
2. The Chief Administrative Officer,
Head Office,
Karur Vysya Bank,
D.No.20, Erode Road,
Vadivel Nagar, L.N.S.,
Karur - 639002.
3. The Divisional Officer,
Divisional Office,
Karur Vysya Bank,
No.16, A.A.Road,
Gnanavolipuram,
Madurai - 625017.
4. The Branch Manager,
Karur Vysya Bank,
Thiruppalai Branch,
Madurai - 625 017.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned E-Auction notice issued by the third respondent dated 19.02.2021 and set aside the same as illegal and arbitrary consequently directing the respondents to consider the



petitioner's representation dated 12.11.2020, 17.12.2020, 05.01.2021 and 27.02.2021 for the peaceful and amicable settlement.

For Petitioner : Mr.R.Sevugaraja
For respondents : Mr.Pala Ramasamy,
Standing Counsel
for Respondent-Bank

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ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Sevugaraja, learned counsel appearing for the petitioner and Mr.Pala Ramasamy, learned Standing Counsel appearing for the respondent-Bank.

2. The writ petitioner, who is the borrower defaulted in payment of the loan availed by her. Consequently, action has been initiated under the provisions of SARFAESI Act. The writ petitioner has impugned e-auction notice issued by the respondent-Bank to bring the property for sale.

3. The Court while entertaining the writ petition, taking note of the health condition of the writ petitioner, directed the petitioner to submit a proposal for settlement, however, permitted the auction to go on. The allegation of the respondent-Bank is that no proposal has been given, whereas, the petitioner would state that the proposal has been given.

4. The respondent has filed a copy of the letter dated 03.07.2021, from the respondent-Bank to the petitioner stating that the total outstanding is Rs.37,39,428.33/- as on the said date.

5. Furthermore, the learned counsel appearing for the respondent-Bank submits that there are no bidders pursuant to the impugned e-auction. Hence, the e-auction notice has worked itself out and consequently, the writ petition stands disposed of, leaving it open to the petitioner to approach the respondent-Bank, if genuinely he is interested in settling the matter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Pkn

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.

W.P. (MD) No.6039 of 2021
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RC (14.07.2021) 3P-1C