



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM :

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

W.P. (MD) No.8520 of 2021
and
WMP(MD) .Nos.6399 and 6400 of 2021

S.Arockiyadass Mahendran

... Petitioner

Vs

1. The Authorized Officer,
Canara Bank,
Kodaikanal Branch,
Dindigul District.

2. A.R.Jawahar

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, calling for the records relating to the impugned E-Auction sale notice dated 07.04.2021 bearing O.D.A/c.No.0945285000004 in the name of M/s.Ram Kishore Agencies A.R.Jawahar, S/o.Ramalingam and J.Sumathi Rani W/o.A.R.Jawahar issued by the first respondent Bank in respect of the property measuring 174.50 Sq.Ft situated in T.S.No.29/1, Block No-2, Ward - D, Anna Salai, Kodaikanal Town, Dindigul District and quash the same.

For Petitioner

: Mr.N.Mohan

For Respondent

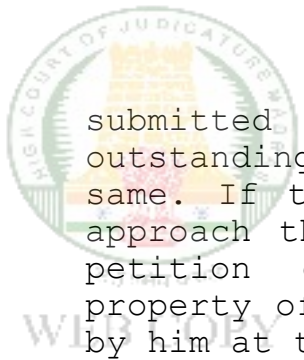
: Mr.C.Deepak for R1

ORDER

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

This writ petition has been filed by the petitioner challenging the e-auction notice by a third party. The third party is the defaulter.

2. Mr.N.Mohan, learned Counsel appearing for the petitioner



submitted that the petitioner is ready to settle the entire outstanding and the second respondent is also consenting to the same. If that is so, there is no necessity for the petitioner to approach this Court by way of writ petition. That apart, the writ petition challenging the e-auction notification bringing the property of the second respondent for auction for default committed by him at the instance of the third party is not maintainable.

3. Hence, the writ petition is dismissed. It is open to the petitioner and the second respondent to approach the respondent-Bank for necessary relief. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// 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.8520 of 2021

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