



WEB COPY

W.P.(MD)No.8882 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.04.2021

CORAM
THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.8882 of 2021
and WMP (MD)Nos.6682 & 6685 of 2021

M/s.Ismaail Trading Company
Represented by its Proprietor,
Mr.S.Syed Abbas,
No.126/c. Bungalow Pettai,
Madurai Road, Begampur,
Dindigul, Dindigul District.

... Petitioner

-Vs-

1.The Authorized Officer,
Tamil Nadu Mercantile Bank Ltd.,
Dindigul Branch, No.9, Salai Road,
Dindigul, Dindigul District.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Dindigul Branch, No.9, Salai Road,
Dindigul, Dindigul District.

...Respondents

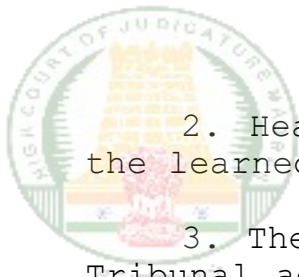
Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, call for the records pertaining to the impugned sale notice issued by the 1st respondent dated 09.03.2021 and quash the same as illegal and thereby set aside the sale conducted on 29.03.2021 and consequently direct the 2nd respondent to receive the balance due amount and release the secure asset as mentioned in the sale notice dated 09.03.2021 within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents : Mr.N.Dilipkumar

ORDER

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

The petitioner has filed this Writ Petition challenging a sale notice issued by the first respondent, which is a second sale notice.



2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent bank.

3. The petitioner had filed an appeal before the Debt Recovery Tribunal against the first sale notice and though interim order was granted, he could not comply with the condition.

4. The learned counsel appearing for the petitioner vehemently contended that even during the pandemic period, the petitioner has paid a sum of Rs.45,00,000/- (Rupees Forty five lakhs only). However, we cannot entertain this writ petition, challenging the second sale notice, when a challenge to the first sale notice has already been dismissed by the Debt Recovery Tribunal. It is also to be noted that the petitioner has also failed to comply with the conditional interim order. Therefore, we cannot entertain this Writ Petition.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1.The Authorized Officer,
Tamil Nadu Mercantile Bank Ltd.,
Dindigul Branch, No.9, Salai Road,
Dindigul, Dindigul District.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Dindigul Branch, No.9, Salai Road,
Dindigul, Dindigul District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-18317[F] dated 03/05/2021)

W.P. (MD)No.8882 of 2021

30.04.2021