



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) .No.9974 of 2021

and W.M.P. (MD)No.7681 of 2021

WEB COPY

S.Karunanithi

.. Petitioner

Vs.

1.The Authorized Officer,
M/s. Union Bank of India,
No.9, Rohibi Rainbow,
First Cross, Thillai Nagar,
Tiruchirapalli - 620 018.

2.The Chief Manager,
Union Bank of India,
No.9, Rohibi Rainbow,
First Cross, Thillai Nagar,
Tiruchirapalli - 620 018.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to proceedings of E.Auction notice published by the respondents on 28.04.2021 to sell out the house property of the petitioner comprised in new T.S.No: 13 (Old T.S.No.2725), Pandamangalam Village, Woraiyur, Trichy District, through online mode and quash the same as illegal and unconstitutional, consequently, direct the respondents to accept the One time Settlement to be offered by the petitioner, within a time frame by the Court.

For Petitioner : Mr.S.Balamurugan
For Respondents : Mr.N.Dilip Kumar

O R D E R

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

We have heard Mr.S.Balamurugan, learned counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned counsel appearing for the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner challenges an E-auction notice issued by the respondent Bank. We need to point out that the writ petition is not maintainable against the impugned auction notice. If the petitioner



is aggrieved, he has to avail the remedies available under the SARFAESI Act.

4.The learned counsel for the petitioner submitted that the petitioner earlier offered a sum of Rs.12,00,000/- as One Time Settlement, which offer was not accepted by the respondent bank. It is further submitted that the petitioner is now ready and willing to immediately pay a sum of Rs.15,00,000/- and requested that the respondent bank may consider such an offer. However, such direction for consideration cannot be issued in a writ petition and it is for the respondent bank to consider the offer taking note of the conduct of the parties and take action in accordance with the relevant regulations. No order compelling the respondent bank can be issued to accept the One Time Settlement offer.

5.It is submitted that the next auction has been fixed on 18.06.2021. Before the next date of auction, if the petitioner approaches the respondent bank and makes an offer and if the respondent bank feels that the offer is just and reasonable, it is open to them to consider the same. In any event, if the money has not been paid, the respondent bank shall proceed with the auction as scheduled.

6.With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM/PS

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.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-19178[F] dated 11/06/2021)
+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-19184[F] dated 11/06/2021)

ORDER MADE IN
W.P. (MD) .No.9974 of 2021
10.06.2021

PM(CO)

TR(17.06.2021) 2P 3C