



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P(MD)NO.12926 OF 2019
and
W.M.P(MD)No.9635 of 2019**

R.Jegajothi : Petitioner
.vs.

The Authorized Officer,
UCO Bank,
Sivagangai Branch(2109),
No.6/73, VOC Street,
Sivagangai - 630 561 : Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned sale notice of the respondent, dated 6.5.2019 to fix the public auction sale on 10.6.2019 and to quash the same.

For Petitioner :Mr.V.S.Kumaraguru
For Respondent :Mr.PT.S.Narendravasan

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA,J)

This Writ Petition is filed challenging the sale notice issued by the respondent/Bank, dated 6.5.2019.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.At the time of admission, this Court had imposed a condition to the Petitioner to pay a sum of Rs.3 lakhs for grant of stay. However, the learned counsel appearing for the Petitioner would submit that he had paid only Rs.2 lakhs and the conditional order of interim stay is not complied with and there is also a default clause in order, dated 7.6.2019.



4. Besides that, the Writ Petition is not maintainable and it is open to the Petitioner to challenge the sale notice before the Debts Recovery Tribunal in the manner known to law. Without adverting to the alternative remedy available to him, the Petitioner has come to this Court and obtained an order of stay, which is also vacated for non-compliance of the conditional order already imposed.

5. The learned counsel appearing for the respondent/Bank submitted that the sale has not taken place, as on today.

6. If at all, the respondent/Bank had conducted the sale, it is open to the Petitioner to approach the Debts Recovery Tribunal for appropriate relief, if so advised and as such, the present Writ Petition filed by him is not maintainable.

7. In view of the above, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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.K.PERIASAMY, Advocate (SR-38028[F] dated 09/12/2021)

W.P (MD) NO.12926 OF 2019

and

W.M.P (MD) No.9635 of 2019

09.12.2021

SAR (CO)

KB (22.12.2021) 2P 2C