



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.20991 of 2021

and

WMP (MD)Nos.17591 to 17593 of 2021

WEB COPY

Neelaraaj alias Neelaraaja

... Petitioner

vs.

1) The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Manikatti Pottal (PO),
Pillayarapuram, Nagercoil,
Kanniyakumari District.

2) R.Jeyanthi

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned auction sale confirmation order passed by the 1st respondent bank dated 06.01.2021 No.Nil and quash the same as illegal and subject to the condition that to permit the petitioner to make one time settlement of loan amount and redeem his property.

For Petitioner : Mr.L.George Paul Anto
For R1 : Mr.N.Dilipkumar

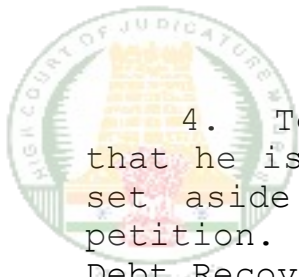
ORDER

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

The writ petition is directed against the auction of the petitioner's property by the respondent bank.

2. Normally, the above orders can be challenged only before the Debt Recovery Tribunal. Since there is no Presiding Officer, it is stated that the writ petition is filed before this Court.

3. Admittedly, the sale notice was issued on 09.11.2020. After the auction was conducted, a sale certificate was also issued on 28.12.2020 and the writ petitioner was duly informed about the adjustment of the amount towards his loan account.



4. Today, the learned counsel for the petitioner would state that he is willing to deposit the entire sale amount and seeks to set aside the sale, which cannot be entertained in this writ petition. However, it is open to the writ petitioner to move the Debt Recovery Tribunal, if otherwise is so advised to do so.

5. In the light of the above facts, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Bala

+1 CC to M/s.L. GEORGE PAUL ANTO, Advocate (SR-35963[F] dated 25/11/2021)

+1 CC to M/s.N. DILIP KUMAR, Advocate (SR-36148[F] dated 26/11/2021)

W.P(MD)No.20991 of 2021

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RK(10/12/2021) 2P 3C