



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM:

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

**W.P. (MD) .Nos.22779 and 22780 of 2021
and
W.M.P (MD) Nos.19246, 19249 and 19250 of 2021**

P.Kumaresan

.. Petitioner in both cases

Vs.

1.The Authorised Officer,
City Union Bank,
Credit Recovery and Management Department,
No.24,B, Gandhi Nagar,
Kumbakonam-612 001,
Thanjavur District.

2.The Branch Manager,
City Union Bank,
Karur Branch,
No.18, Ramakrishnapuram Main Road,
Ramakrishnapuram, Karur Town,
Karur District.

.. Respondents in both cases

Prayer in W.P(MD)No.22779 of 2021:Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the entire records in connection with impugned Retender Cum Auction Sale Notice dated 04.12.2021 in C.O/REC/NPA/2021-2022 on the file of the 1st respondent for the sale of the petitioner's immovable properties through E-Auction scheduled on 29.12.2021 and quash the same.

Prayer in W.P(MD)No.22780 of 2021:Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the entire records in connection with impugned order passed u/s 14 of the SARFAESI Act in CrI.M.P.No.223 of 2020 dated 28.12.2020 by the learned Chief Judicial Magistrate, Karur, and quash the same.



For Petitioner in both
cases

: Mr.Seenisultan

COMMON ORDER

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

The Writ Petition in W.P.(MD)No.22779 of 2021 is filed for the issuance of a Writ of Certiorari, to quash the impugned Re-tender Cum Auction Sale Notice, dated 04.12.2021 in C.O/REC/NPA/2021-2022 on the file of the first respondent for the sale of the petitioner's immovable properties through E-Auction scheduled on 29.12.2021.

2.The Writ Petition in W.P.(MD)No.22780 of 2021 is filed for the issuance of a Writ of Certiorari, to quash the impugned order passed u/s 14 of the SARFAESI Act in Crl.M.P.NO.223 of 2020, dated 28.12.2020 by the learned Chief Judicial Magistrate, Karur.

3.In both the cases, the petitioner and the respondents are one and the same. Since the issue that arises for consideration is common in both the cases, both the Writ Petitions have been taken up together and disposed of by this common order.

4.Heard Mr.Seenisultan, learned counsel appearing for the petitioner and perused the materials placed before this Court.

5.The borrower has challenged the sale notice as well as the impugned order issued under the SARFAESI Act and the sale is fixed on 29.12.2021 at 01.00 p.m. In view of the urgency expressed by the learned counsel for the petitioner, the respondents could not be put on notice and the following order has been passed, without going into the merits of the case.

(i)As there is no Presiding Officer at DRT, Madurai, these writ petitions are entertained. Even according to the writ petitioner/borrower, in both the writ petitions, the total outstanding amount is Rs.2,84,00,000/- and the date of auction is fixed on 29.12.2021. In such view of the matter, we direct the petitioner to deposit a sum of Rs.50,00,000/-(Rupees Fifty Lakhs only) on or before 29.12.2021 to the credit of the first respondent Bank and approach the bank for paying the balance of the amount.

(ii)After depositing the above mentioned amount, if the petitioner approaches the bank, the bank may consider his request regarding payment of the balance amount. In the event of default of payment of Rs.50,00,000/- by the petitioner, the E-Auction as scheduled, shall go on.

6.With the above direction, these writ petitions are disposed of.



WEB COPY

WP(MD).Nos.22779 & 22780 of 2021

of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer/Assistant
Registrar (CO)

// 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 Chief Judicial Magistrate, Karur.
- 2.The Presiding Officer, Debt Recovery Tribunal, Madurai.
- 3.The Authorised Officer,
City Union Bank,
Credit Recovery and Management Department,
No.24,B, Gandhi Nagar,
Kumbakonam-612 001,
Thanjavur District.
- 4.The Branch Manager,
City Union Bank,
Karur Branch,
No.18, Ramakrishnapuram Main Road,
Ramakrishnapuram, Karur Town,
Karur District.

W.P. (MD) .Nos.22779 and 22780 of 2021

and

W.M.P (MD) Nos.19246, 19249 and 19250 of 2021

22.12.2021

NSN (CO)

SB(28.12.2021) 3P 5C