



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) .No.22951 of 2021

WEB COPY

B.Muthukumar

.. Petitioner

Vs.

Tamil Nadu Mercantile Bank Ltd.,
Represented by its Branch Manager,
Paramakudi Branch,
No.4/321, Gandhiji Road,
Paramakudi,
Ramanathapuram District.

.. Respondent

Prayer Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to defer their tender cum auction proceedings scheduled to be taken place on 24.12.2021 in pursuance to the Auction Notice dated 28.10.2021 issued by the respondent for the period of three months.

For Petitioner : Mr.R.Anand

ORDER

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

This writ petition is filed for the issuance of a Writ of Mandamus to direct the respondent to defer their tender cum auction proceedings scheduled to be taken place on 24.12.2021, in pursuance to the Auction Notice, dated 28.10.2021 issued by the respondent for the period of three months.

2.Heard Mr.R.Anand, learned counsel appearing for the petitioner and perused the materials placed before this Court.

3.We had passed an order in W.P(MD)No.20861 of 2021, on 23.11.2021, where the challenge was to the sale notice and the consequential e-auction notice dated 28.10.2021, wherein a conditional order was passed directing the petitioner to pay the amount due to the respondent in three installments viz., Rs.5,00,000/- (Rupees Five Lakhs only) on or before 01.12.2021, Rs.10,00,000/- (Rupees Ten Lakhs only) on or before 03.01.2022 and the balance amount due on or before 01.02.2022 along with a sum of Rs.25,000/- towards the e-auction expenses.



4.In view of the said order, the auction was postponed. Since the petitioner had defaulted in payment of the amount as has been directed, now the auction notice has been issued, fixing the date of sale on 24.12.2021. The said auction is under challenged before us now.

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5.Though SARFAESI appeal is maintainable before DRT, as there is no Presiding Officer at DRT, Madurai, we have entertained this Writ Petition.

6.As the earlier direction issued by this Court has not been complied with by the petitioner even by not paying one installment, we are not inclined to entertain this Writ Petition.

7.In view of the above, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Presiding Officer,
Debt Recovery Tribunal,
Madurai.
- 2.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Paramakudi Branch,
No.4/321, Gandhiji Road,
Paramakudi, Ramanathapuram District.

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