



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.12.2021**

CORAM:

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

**W.P(MD)No.16860 of 2017
and W.M.P. (MD) No.13440 of 2017**

M.Ahamed Firnaz

... Petitioner

Vs.

The Authorised Officer,
Tamilnad Mercantile Bank Ltd.,
Chinthamani Branch,
D.No.248B, Reka Towers,
Kamarajar Salai,
Madurai - 625 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the sale notice dated 28.07.2017 issued by the respondent, in respect of petitioner house property bearing old door No.88, New door No.257, situating at Ward No.3, C. Ward: 67, Mohammasdhiyar 2nd lane, South Perumal Maistry Street, Chinnakadai Veethi, Southgate, Madurai -1, and quash the same as illegal and consequently, directing the Respondent to provide sufficient time to the petitioner to repay the loan amount payable to the Bank within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondent : No appearance

O R D E R

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

The Writ Petition has been directed against the sale notice, dated 28.07.2017, issued by the respondent, fixing the date and time of sale as 07.09.2017, at 11.00 a.m. Since the date is already over, nothing survives for adjudication and the Writ Petition has become infructuous. Even otherwise, the Writ Petition is not maintainable as appeal would lie only before the Debts Recovery Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security



2.In view of the above, the Writ Petition is dismissed as infructuous. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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.

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