



W.P(MD)No.10060 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10060 of 2013

and

M.P(MD)Nos.2 and 3 of 2013

K.Krishnan,

: Petitioner

Vs

1. The Authorized Officer,
State Bank of India,
Pudukottai Branch,
Pudukottai District.

2. State Bank of India,
Rep by its Branch Manager,
Ponnamaravathi Branch,
Ponnamaravathi,
Pudukottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to its notice dated 14.06.2013 published in Dina thanthi on 14- 06.2013 with regard to the tractor at SI. No. 1 of the notice bearing Reg.No. TN 63 F 7368 and quash the same and consequently direct the respondents to hand over the tractor to the petitioner.



W.P(MD)No.10060 of 2013

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Ponnaiih

ORDER

The present Writ Petition had been filed challenging the auction cum tender notice issued by the first respondent Bank to bring the tractor belongs to the petitioner for auction on the ground of default-in-payment of monthly instalments.

2.On a perusal of records, it is seen that an order of interim stay was granted by this Court on 24.06.2013, directing the petitioner to pay a sum of Rs.1,25,000/- to the second respondent Bank, within a period of four weeks, from the date of receipt of a copy of that order. As per the said interim order, if the said amount is not paid, the interim stay granted shall stand vacated automatically without further reference to the Court. The petitioner was not able to deposit the said amount. The interim stay got vacated automatically. Hence, the first respondent Bank proceeded with the auction, sold the tractor in dispute and credited the amount to the loan account of the petitioner.



W.P(MD)No.10060 of 2013

WEB COPY

3. According to the learned Counsel appearing for the respondent Bank, still there are dues pending from the petitioner and the loan account has not been closed.

4. The prayer sought for in this writ petition is only to quash the auction notice and to direct the Bank to hand over the tractor. In view of vacation of the interim stay, the respondent Bank had already auctioned the Tractor and the same was sold to a third party. Therefore, nothing survives in this writ petition and the same is closed. No costs. Consequently, connected miscellaneous petitions are closed.

05.09.2022
(1/2)

Index: Yes/No
lr
To



WEB COPY



W.P(MD)No.10060 of 2013

R.VIJAYAKUMAR, J.

lr

ORDER MADE IN

W.P(MD)No.10060 of 2013

**05.09.2022
(1/2)**