



W.P.(MD).No.13822 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.13822 of 2012

and

M.P(MD)No.2 of 2012

S.Pandara Nadar

... Petitioner

Vs.

The Authorized Officer,
State Bank of India,
Tirunelveli ADB Branch,
Tirunelveli.

... 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 entire records pertaining to the Tender cum Auction Notification dated 20-10-2012 published by the respondent in Dinathanthi Daily on 21-10-2012 in so far its relates to the petitioner's vehicle namely Standard Tractor (2006 Model) bearing its Registration No.TN 72 Q 4576 mentioned as Serial No.5 in the said notification and quash the same and consequently direct the respondent to return back the said vehicle to the petitioner.



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For Petitioner : Mr.R.Anand
For Respondent : Mr.V.P.Rajan

ORDER

The present writ petition has been filed challenging an auction notice issued by the respondent Bank for bringing a tractor of the petitioner for auction due to default in payment of the instalment for the loan borrowed by the writ petitioner.

2. According to the learned counsel for the respondent, an interim order was granted, directing the petitioner to deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only). Though the said amount was deposited, the petitioner has not come forward to clear the balance amount due to the bank. Hence, the Bank was constrained to conduct public auction of the vehicle. The auction amount does not satisfy the entire due. According to the counsel for the respondent Bank, still the petitioner has to pay some amount to the respondent Bank.



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3. The main prayer in the writ petition is only to quash the auction notice issued by the respondent Bank. Now, that the auction has already taken place and auction proceedings have not been challenged by the writ petitioner. Hence, nothing survives to be adjudicated in the writ petition.

4. This Writ Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

The Authorized Officer,
State Bank of India,
Tirunelveli ADB Branch,
Tirunelveli.



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R.VIJAYAKUMAR ,J.

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Order made in
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