



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.1073 of 2022

and W.M.P. (MD) Nos.895 and 896 of 2022

J.Chithambarakumar

... Petitioner

Vs.

1.The Authorised Officer,
Union Bank of India (Erstwhile Corporation Bank),
Asset Recovery Management Branch,
No.9, Elconso Building,
Casa Major Road, Egmore,
Chennai - 600 008.

2.The Branch Manager,
Union Bank of India (Erstwhile Corporation Bank),
ARM Branch, ArulManai Buildings,
No.27, Whites Road,
Chennai - 600 014.

... 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 relating to the impugned E-auction notification issued by the 1st respondent vide REF:ARB/389/2021-22, dated 28.12.2021 and quash the same as illegal and consequently direct the respondents to execute the sale deed in favour of the petitioner based on the sale confirmation letter dated 10.03.2021, by receiving remaining 75% bid amount of Rs.3,69,750/-.

For Petitioner	: Mr.K.P.Narayanakumar
For Respondents	: Mr.N.Dilipkumar
	Standing Counsel

O R D E R

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

The Writ Petition is filed by the auction purchaser in the earlier auction, but had failed to deposit the amount and got his advance amount forfeited by the bank, challenging the present auction.



2.Mr.N.Dilipkumar, learned Standing Counsel, who accepts notice on behalf respondents, on instructions, submitted that for want of bidders, the sale on 20.01.2022 could not go on.

3.The learned counsel for the petitioner would only state that the bank may be directed to execute the sale deed in favour of the petitioner based on the sale confirmation letter dated 10.03.2021, by receiving remaining 75% bid amount of Rs.3,69,750/-.

4.We are of the view that the said relief is beyond the scope of the Writ Petition as what is basically challenged is the sale notice. However, the sale has not happened. In view of the above, without going into the merits of the Writ Petition, we only dismiss the same as infructuous. Consequently, connected Miscellaneous Petition are also dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

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.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-2263[F] dated 24/01/2022)

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-2626[F] dated 27/01/2022)

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RK/CK(03/02/2022) 2P 3C