



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.01.2022

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA  
AND  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)NO.1261 OF 2022

and

W.M.P(MD)Nos.1126,1127 and 1129 of 2022

1.A.Manoharan,  
Proprietor M/s.Arun Offset Printers,  
No.26, Keeka Pattamar Lane,  
North Avani Moola Street,  
Madurai - 625 001.

2.M/s.Arun Offset Printers,  
No.26, Keeka Pattamar Lane,  
North Avani Moola Street,  
Madurai - 625 001.

:Petitioners

.vs.

The Canara Bank,  
represented by its Authorized Officer,  
M.Gomathi,  
West Avani Moola Street Branch,  
Madurai -1.

: Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impunged order in C.R.M.P.No.422 of 2021, dated 16.12.2021, on the file of learned Chief Judicial Magistrate, Madurai and to quash the same as illegal and consequently to forbear the respondent from any way dispossessing the Petitioners from the property of house building bearing Door No.22, in Survey NO.TS 70, within Municipal Ward No.26, Keela Pattamar Street, Madurai Town, Madurai District.

For Petitioners : Mr.V.Santhakumaresan

For Respondent : Mr.V.S.Karthi



**O R D E R**  
**\*\*\*\*\***

(Order of the Court was made by **PUSHPA SATHYNARAYANA, J**)

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This Writ Petition is filed challenging the order passed under Section 14 of the SARFAESI Act by the Chief Judicial Magistrate, Madurai in C.R.M.P.No.422 of 2021, dated 16.12.2021.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel for the respondent/Bank, upon instructions, states that the auction of the schedule mentioned property was held on 18.08.2021 and the property was sold for a sale consideration of Rs.1,51,72,000/- to one Karthik Raja. After adjusting the loan amount of Rs.76,56,320/- the balance sale amount of Rs.74,36,629/- was deposited to the credit of the account of the Writ Petitioner on 13.09.2021. Pursuant to the auction, the sale was also registered on 12.01.2022 and the Advocate Commissioner appointed in the impugned order, had taken the delivery of the property and the property was handed over to the auction purchaser.

4.So in the light of the above facts, the Writ Petition filed, as it is, has become infructuous and there is nothing survives for adjudication in the Writ Petition

5.Accordingly, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsn

**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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Authorized Officer,  
M.Gomathi,  
Canara Bank,  
West Avani Moola Street Branch,  
Madurai -1.

**ORDER MADE IN**  
**W.P (MD) NO.1261 OF 2022**  
**and**  
**W.M.P (MD) Nos.1116,1127**  
**and 1129 of 2022**  
**25.01.2022**

ma (CO)  
TR(07.02.2022) 3P 2C