



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P (MD)No.1994 of 2022

& W.M.P. (MD) Nos. 1710, 1712 & 1713 of 2022

1.M/s.Natrinai

Represented by its Proprietor,
S.Sivaprakash,
S.No.148/3A, Kurumbapatti, Karur Road,
Dindigul - 624 001.

2.S.Sivaprakash

3.U.Vijaya

.. Petitioners

Vs

1.The Branch Manager,

Canara Bank,
Nagal Nagar Branch,
Nagal Nagar, Dindigul.

2.The Authorized Officer,

Canara Bank,
Nagal Nagar Branch,
Nagal Nagar, Dindigul

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the e-auction sale notice dated 21.12.2021 issued by the second respondent under the SARFEASI Act in respect of the sale notice mentioned property and set aside the e-auction sale notice 21.12.2021.

For Petitioners : No appearance

For Respondents : Mr.Pethu Rajesh

ORDER

[Made by PARESH UPADHYAY, J.]

1. This Court had, on 02.02.2022 passed the following order:-
"The writ petition is against the E-Auction Sale Notice dated 21.12.2021 fixing the auction date as 27.01.2022.



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2. The Sale Notice indicates that the amount outstanding is Rs.16,77,871.88/-. Upon verification, it is stated that the sale on 27.01.2022 was conducted and one Boopala Nithish had purchased the property for an amount of Rs.15,10,000/-. However, the sale is not yet confirmed.

3. Be that as it may, the petitioner is willing to deposit a sum of Rs.10,00,000/- within a period of four weeks and work out the time schedule for payment of the balance amount with the Bank.

4. Therefore, subject to payment of Rs.10,00,000/- (Rupees Ten Lakhs only), by the petitioner on or before 02.03.2022, confirmation of sale is stayed. If the petitioner fails to comply with the above direction, the respondent Bank will be entitled to take any further action in a manner known to law.

5. Post the matter on 03.03.2022."

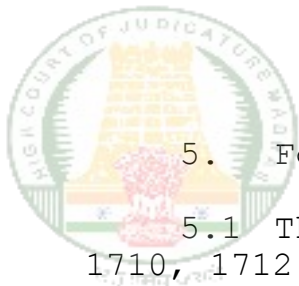
2. Learned advocate for the petitioner has not remained present when the matter is called out.

3. Learned advocate for the respondent bank has made serious grievance that on earlier dates also, learned advocate for the petitioner was not present. Reference is made to the proceedings dated 03.03.2022 and 24.03.2022.

3.1 It is stated on behalf of the respondent bank that the petitioner has not made any payment as provided under the order dated 02.02.2022 and therefore by the very provision in the said order, more particularly in view of para : 4 thereof, the interim protection does not hold the field.

3.2 No further order may be required, so far that protection is concerned. However learned advocate for the respondent bank has submitted that, the respondent bank being a nationalized bank, has not taken out any further proceedings since this petition is pending before this Court.

4. In view of above, we find that on one hand the petitioner has chosen not to represent before this Court, the interim protection granted by this Court has already stood vacated long back and therefore no useful purpose would be served by keeping this petition pending, which is in no way giving any protection to the petitioner and on the other hand pendency of which is coming in the way of the respondent nationalized bank.



5. For the above reason, the following order is passed:-

5.1 This writ petition is closed. No costs. W.M.P.(MD) Nos. 1710, 1712 & 1713 of 2022 would not survive.

5.2 The interim order has already outlived its life by its very nature and therefore no further order needs to be passed for vacating the said order.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssm/24

+1 CC to M/s.P. PETHU RAJESH, Advocate (SR-17324[F]
dated 07/04/2022)

W.P (MD)No.1994 of 2022
07.04.2022

CK(CO)
GC(28.04.2022) 3P 2C