



WEB COPY

WP(MD)No.1674 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **PARESH UPADHYAY**
and

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P (MD)No.1674 of 2022

and

W.M.P (MD)Nos.1475 and 1477 of 2022

P.V.Ramasubramaniya Raja

.. Petitioner

Vs.

1.Union Bank of India
rep. by its Authorised Officer,
Regional Office,
72, P.T.Rajan Road,
Bibikulam, Madurai - 625 002.

2.The Branch Manager,
Union Bank of India,
Rajapalayam Branch,
Thai Complex No.905/17,
Tenkasi Road, Rajapalayam.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to the impugned Auction Sale Notice, dated 25.11.2021 (dispatched on 29.11.2021 and received on 01.12.2021) and the alleged Auction Sale said to have been held on 15.12.2021, quash the same and consequently direct the respondents to consider the OTS in favour of the petitioner as per the Scheme dated 26.11.2021 and pass such further or other orders.

For Petitioner : Mr.Isaac Mohanlal,
Senior counsel for
Mr.K.Ragatheesh Kumar

For Respondents : Mr.V.S.Karthi

ORDER

[Made by PARESH UPADHYAY, J.]

Challenge in this petition is made to the notice dated 25.11.2021.



2. Learned advocate for the petitioner has drawn the attention of this Court to the interim order dated 01.02.2022 recorded on this petition. It is submitted that, the Scheme floated by the bank for one time settlement be permitted to be explored by the present petitioner as well.

3. Learned advocate for the respondent bank has submitted that though what is challenged in this petition is the notice dated 25.11.2021, the sale of the property in question has been effected on 15.12.2021 and the same is confirmed also on 16.12.2021. It is submitted that the Bank is a Nationalized Bank and the bank would be answerable to the auction purchaser as well. It is submitted that under these circumstances the interim protection granted vide order dated 01.02.2022 be vacated.

4. Having heard the learned advocates for the respective parties and having considered the material on record this Court finds that, the petitioner has been defaulter since more than 15 years, as evident from the communication dated 13.12.2006, where the amount indicated is Rs.9,23,51,515/-. Though the subsequent payment is stated to have been made, fact remains that the bank is a Nationalized Bank and the extent of default is in crores and the sale has already been effected and also confirmed. Under these circumstances, it is not in the interest of justice to continue the protection or even to keep this petition pending.

5. This petition is dismissed. Interim protection granted earlier is vacated. Consequently connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Authorised Officer,
Union Bank of India,
Regional Office,
72, P.T.Rajan Road,
Bibikulam, Madurai - 625 002.



WP(MD)No.1674 of 2022

2.The Branch Manager,
Union Bank of India,
Rajapalayam Branch,
Thai Complex No.905/17,
Tenkasi Road, Rajapalayam.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-5599[F] dated
11/02/2022)

W.P (MD) No.1674 of 2022
10.02.2022

ks (CO)
TR(21.02.2022) 3P 4C