



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD)No.3646 of 2022

Gopalakrishnan

..Petitioner

Vs.

1.The Authorized Officer,
City Union Bank,
Gandhi Nagar,
Kumbakonam.

2.The Branch Manager,
City Union Bank,
Cantonment Branch,
MDS Plaza,
No.96, Paramount Road,
Trichy.

.. Respondents

Prayer : Writ Petitions 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 e-auction sale notice issued by the first respondent dated 06.01.2022 published in Tamil daily ''Dinamani'' on 07.01.2022 and quash the same as arbitrary and illegal and in consequence thereof direct the respondents to accept the loan amount due to the bank in Installments.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.N.Dilip Kumar

ORDER

(Made by PARESH UPADHYAY,J.)

1. The petitioner challenges the notice dated 06.01.2022, whereby the auction of the property in question, at the hands of the respondent Bank, was scheduled on 16.02.2022.

2. This petition is filed on 24.02.2022. When the cause of action as mentioned in the impugned notice did not survive on the merits, the court, in the exercise of its powers, has found that the petition (as it stood then), no useful purpose



would be served by entertaining this petition. Additionally, it is the Debts Recovery Tribunal, which is the competent forum, where this grievance should be agitated.

3. Though notice is not issued, learned Advocate for the respondent bank is present, since he is a panel advocate. On instructions he states that, not only sale has taken place, the sale is confirmed as well. These are the additional reasons, why this petition should not be entertained.

4. For the above reasons, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Dn/23

+1 CC to M/s.R.SURESH KUMAR, Advocate (SR-9588[F] dated 02/03/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-9282[F] dated 01/03/2022)

W.P (MD)No.3646 of 2022
28.02.2022

RD(10.03.2022) 2P 3C