



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 7025 of 2022

and WMP(MD) No.5343, 5344 & 5346 of 2022

1.M/s.A.P.Steel & Alloys,
Rep. by its Partner
D.Purushothaman,
No.65/4, Sukkampatti Road,
Vengaimandalam Village,
Moovanoor Post, Musiri Taluk,
Tiruchirappalli.

2.P.Subashini

3.D.Purushothaman

4.P.Sanjai Kumar

.. Petitioners

Vs

1.The Authorized Officer,
Canara Bank,
ARM Branch, Muthiyya Towers,
No.1, Royal Road,
Tiruchirappalli - 620 001.

2. The Branch Manager,
Canara Bank, Teppakulam Branch,
Trichy.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned auction sale notices issued by the first respondent in his proceedings Nil dated 25.02.2022 and 10.03.2022 and quash the same as illegal and without jurisdiction and consequently directing the respondents to permit the petitioner to redeem the land and machineries morefully described at Column 5 of the detailed terms and conditions of the sale dated 30.03.2022 annexed along with the impugned sale notices dated 25.02.2022, on payment of the entire reserve price/sale price as indicated in the impugned e-auction sale notices.



For Petitioner : Mr.B.Saravanan
For Respondents : Mr.C.Deepak
for R1 and R2

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ORDER

[Made by PARESH UPADHYAY, J.]

The petitioner challenges the auction sale notice dated 25 February 2022 as amended by notice dated 10 March 2022. The prayer clause reads as under:

"Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned auction sale notices issued by the first respondent in his proceedings Nil dated 25.02.2022 and 10.03.2022 and quash the same as illegal and without jurisdiction and consequently directing the respondents to permit the petitioner to redeem the land and machineries morefully described at Column 5 of the detailed terms and conditions of the sale dated 30.03.2022 annexed along with the impugned sale notices dated 25.02.2022, on payment of the entire reserve price/ sale price as indicated in the impugned e-auction sale notices."

2. From record it transpires that, the outstanding amount, as per the impugned notice dated 25 February 2022 is Rs.30,08,51,384=90 (Rupees Thirty Crores Eight Lakhs Fifty One Thousand Three Hundred and Eighty Four and Paise Ninety only).

3. At the outset, learned advocate for the petitioner has submitted that, the sale has already taken place on 30 March 2022. There is also an averment to that effect in the affidavit filed in support of the petition.

4. We find that, at this stage, it would not be proper to entertain this petition.

5. We note that, learned advocate for the petitioner has addressed the Court at length, including by referring to decision of the Punjab and Haryana High Court in the case of Pal Alloys & Metal India Private Limited & Ors., reported in AIR 2022 P&H 23. We find that, those arguments and the said judgment, in the facts of this case and at this stage, will not take the case of the writ petitioner any further.



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6. For the above reasons, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions would not survive.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj/16

+1 CC to M/s.S. CHANDRA SEKAR, Advocate (SR-19318[F] dated 19/04/2022)

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RK(25/04/2022) 3P 2C