



WEB COPY

W.P(MD)No.8142 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 8142 of 2022

and WMP(MD) Nos.6067, 6068 & 6069 of 2022

1. M/s.SPM Oil Mills,
Represented by its Proprietor,
A.S.N.Prabhu,
No.2, Puluganurani Road,
Virudhunagar-626 001.

2. A.S.N.Prabhu

3. P.Kalaiselvi

4. N.Violet

.. Petitioners

Vs

1. The Branch Manager,
City Union Bank,
Virudhunagar Branch,
No.2, Katchery Road,
Virudhunagar.

2. The Authorized Officer,
City Union Bank,
Virudhunagar Branch,
Virudhunagar.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the Tender cum Auction Sale Notice dated 31.03.2022 issued by the second respondent under the SARFEASI Act in respect of the sale notice mentioned properties and set aside the Tender cum Auction Sale Notice dated 31.03.2022.

For Petitioners : Ms.G.Divya Bharathy

For Respondents : Mr.Dilip Kumar

ORDER

[Made by R.VIJAYAKUMAR, J.]

This writ petition has been filed challenging the sale notice dated 31.03.2022 issued under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

<https://hcservices.ecm.gov.in/lcse/Asse>



2. As per the sale notice, the sale was proposed to be held on 22.04.2022.

3. According to the petitioner, clear 30 days notice was not given under the statutory provisions of law. However, the present writ petition was presented on 22.04.2022 i.e. on the date of sale and it has been numbered on 25.04.2022.

4. According to the learned counsel for the respondent Bank, sale has already taken place with regard to the commercial portion of the property and there was no bidder for the residential portion of the property.

5. Since the sale has already been taken place on 22.04.2022, the petitioner has approached this Court belatedly, we are not in a position to entertain this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions would not survive.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

04/05/2022

Sub Assistant Registrar(CS)

RM/26

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-21790[F] dated 27/04/2022)

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SRR(CO)

KB(05.05.2022) 2P 2C