



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 8796 of 2022
and WMP(MD) No.6406 of 2022

Isithore

.. Petitioner

Vs

The Authorized Officer,
Tamilnad Mercantile Bank Ltd,
Tirupur Branch,
233-236, Kamarajar Road,
Palladam Road,
Tirupur - 641 604.

.. Respondent

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 impugned auction sale notice dated 08.04.2022 issued by the respondent and quash the same as illegal.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.N.Dilip Kumar

ORDER

[Made by R.VIJAYAKUMAR, J.]

1. The present writ petition has been filed challenging the sale notice dated 08.04.202, issued under the SARFAESI Act, proposing to hold the sale today i.e. on 29.04.2022.

2. Learned Standing Counsel appearing for the respondent / Bank has submitted that the sale notice issued by the bank is the second sale notice. The present sale notice has been issued to recover a sum of Rs.1,62,80,709.46. The first sale notice was issued in the month of February 2022. Since there were no bidders, the proposed sale was dropped. The petitioner has voluntarily chosen not to challenge the sale notice in order to avoid payment.

3. The present petition has been listed today on the date of sale. We find that, the petitioner lacks bonafides and the petitioner has also not come forward to deposit any amount. Hence, we are not inclined to entertain the writ petition at the eleventh hour.



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W.P(MD)No.8796 of 2022

4. In view of the above, the writ petition stands dismissed.
No costs. W.M.P.(MD) No. 6406 of 2022 would not survive.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ssm/20

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-23135[F] dated 02/05/2022)

W.P(MD)No.8796 of 2022
29.04.2022

KG(CO)

KB(13.05.2022) 2P 2C