



W.P.(MD) No.8615 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.8615 of 2022

and

W.M.P.(MD) No.6337, 14125 & 14126 of 2022

1.Sri Vani Vidhyalaya Matriculation
Higher Secondary School
rep.by its Correspondent / Principal
Selvaraj
No.1 & 2, BIBI Road
Kaja Street, Subramaniapuram
Near KVI School, Madurai

2.Sri Vani Nursery & Primary School
rep.by its Correspondent / Principal
Arun Kathir
Door No.1, R.S.no.34/27A
Sundarajapuram, AA Road
Jeeva Nagar 1st Street
Jaihindpuram, Madurai

3.Latha Devi

... Petitioners

-vs-

The Authorised Officer
Indiabulls Housing Finance Limited
No.20, Apex Chamber, 1st Floor
Sir Thyagaraya Road, T.Nagar, Chennai

... Respondent



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned e-auction sale notice issued by the respondent vide Ref.No. 18334/HLAPMAR00334723, dated 25.03.2022 and to set aside the same as illegal, improper and ultra vires and consequently direct the respondent to restore encumbrance free possession to the petitioner.

For Petitioners : Mr.Venkatesh Kumar.G.

For Respondent : Mr.N.Dilip Kumar

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the e-auction sale notice in Ref.No. 18334/HLAPMAR00334723, dated 25.03.2022, issued by the respondent – Bank as illegal, improper and ultra vires and to direct the Bank to make the secured asset as an encumbrance free property.



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2. When the matter was taken up for hearing, the learned counsel appearing for the respondent – Bank submitted that subsequent to the initiation of SARFAESI proceedings, the loan account of the petitioners has been regularized and therefore, the relief sought for in this writ petition has become infructuous.

3. At this juncture, the learned counsel for the petitioners submitted that the petitioners are having some other grievances with regard to the loan availed by them and ventilating the grievances in detail, the petitioners have given a common representation dated 11.07.2022 to the respondent Bank and the same may be directed to be considered.

4. In view of the above submission of the learned counsel for the petitioners, without going into the merits of the claim made by the petitioners, the respondent – Bank is directed to consider the petitioners' representation dated 11.07.2022 and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the respondent – Bank, who should pass orders depending upon the facts and circumstances of the case.



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5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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