



WEB COPY

W.P(MD)No.10878 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MRS.JUSTICE S.SSRIMATHY**

W.P(MD)No.10878 of 2022

and

W.M.P.(MD)No.7838 of 2022

R.Rajendran

... Petitioner

Vs.

1.The Authorised Officer,
Indian Overseas Bank,
Irudhayapuram Branch,
Plot No.63, VM Pettai, Eda Street,
Palakarai,
Trichy-621 703.

2.The Branch Manager,
Indian Overseas Bank,
Irudhayapuram Branch,
Plot No.63, VM Pettai, Eda Street,
Palakarai
Trichy-621 703.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned E-Auction Sale Notice, dated 08.04.2022 on the file of the Respondent No.1 and to quash the same as illegal and consequently, to direct the respondents to permit the petitioner to sell the properties of petitioner situated in Thanjavur Registration District, Thanjavur Joint I Sub Registration District, Papanasam Taluk, Utharamanagalam Thottam Village, Ammapettai Panchayat Union, Sri Ambal Nagar, the land comprising of Old S.F.No.208/1, New S.F.No.208/1A measuring Hec 1.80.50 = Ac.46 cents out of this land measuring Ac 4.00= hec 1.60.0 after sub division of S.F.No.208/1A converted into house sites bearing Plots Nos.1, 2, 3, 4, 5, 6, 7, 7A, 9, 10, 11, 12, 13, 16, 16A, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 34A, 36, 37, 38, 39 and 40 through private negotiation to settle the loan outstanding amount due to the respondents within a time frame stipulated by this Court.

For Petitioner :Mr.T.Lajapathi Roy

For Respondents :Mr.N.Dilip Kumar



ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed to quash the impugned E-Auction Sale Notice, dated 08.04.2022 issued by the first respondent and to direct the respondents to permit the petitioner to sell the petition mentioned properties.

2.Mr.N.Dilip Kumar, learned Counsel accepts notice on behalf of the respondents.

3.Mr.N.Dilip Kumar, learned Counsel for the respondent Bank submitted that there was no bidders for the e-auction held on 29.04.2022 and that therefore, the prayer in the Writ Petition has become infructuous. Mr.T.Lajapathi Roy, learned Counsel for the petitioner has no quarrel with the statement made by the learned Counsel for the respondent Bank.

4.Recording the statements made by the learned Counsels on either side, this Writ Petition is dismissed as infructuous. However, liberty is given to the petitioner to work out his remedy in the manner known to law or to challenge the subsequent sale notice, if any. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-24676[F] dated 08/06/2022)

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