



WEB COPY

W.P(MD)No.12706 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

CORAM:

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

and

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

W.P(MD)No.12706 of 2022
and W.M.P. (MD) No.9006 of 2022

A.Marimuthu

... Petitioner

Vs.

1.The Authorized Officer,
ARM Branch, Canara Bank,
1st Floor, Circle Office, St. Mary's Campus,
East Veli Street,
Madurai - 625 001.

2.The Authorized Officer/Branch Manager,
Canara Bank, Rajapalayam Branch,
Rajapalayam, Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from in any manner proceeding with the Sale of the Secured Assets of the petitioner, which are hypothecated with the respondent bank on the basis of Sale Notice issued by the 1st respondent vide proceedings Ref: CB-957-OD261-10545-2021 which is challenged in the subject matter of the S.A.No.44/2022 on the file of the learned Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.P.Paranthaman

For Respondents : Mr.C.Deepak
Standing Counsel

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus, forbearing the respondents from in any manner proceeding with the Sale of the Secured Assets of the petitioner, which are hypothecated with the respondent bank on the basis of Sale Notice issued earlier, which is also the subject matter of S.A.No.44/2022 before the Debts Recovery Tribunal, Madurai.

2. It is now admitted before this Court that the property was sold in public auction on 18.03.2022 and the sale was confirmed. It is further stated that the sale deed itself was



registered on 29.03.2022. In the said circumstances, the prayer in the writ petition cannot be maintained and the petitioner has not impleaded the auction purchaser, to grant any relief in the writ petition.

3. In view of the above, the Writ Petition is dismissed with liberty to the petitioner to challenge the sale deed, if it is permissible under law, after impleading the auction purchaser. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Sj

To

The Presiding Officer,
Debt Recovery Tribunal,
Madurai.

+1 CC to M/s.P. PARANTHAMAN, Advocate (SR-27365[F] dated 22/06/2022)

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SS/04/07/2022/ 2P 3C