



WEB COPY

W.P(MD)No.11472 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

CORAM:

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

and

THE HONOURABLE **MRS. JUSTICE S.SRIMATHY**

W.P (MD) No.11472 of 2022

and

W.M.P. (MD) No.8146 of 2022

1.G.R.T.Thangapandian

2.G.R.T.Muthupandian

3.G.R.T.Palpandian

4.T.Senthilpandian

5.G.R.Thangaiah Asari

... Petitioners

Vs.

1.The Debts Recovery Tribunal,
IV Floor, Kalyani Tower,
Melur Road, Madurai.

2.The Authorized Officer,
Catholic Syrian Bank Limited,
Asset Recovery Branch,
2nd Floor, Siva Complex,
54, Old Post Office Road,
Coimbatore - 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned E-Auction Sale Notice of the 2nd Respondent dated 18.05.2022 fixing the date of sale on 06.07.2022 issued under Section 13(4) of the SARFAESI Act, 2002 and quash the same.

For Petitioners : Mr.M.Arunachalam
For 2nd Respondent : Mr.R.Pandivel
Standing Counsel



ORDER

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

The petitioners have filed the writ petition, challenging the E-Auction Sale Notice of the 2nd Respondent dated 18.05.2022, fixing the date of sale on 06.07.2022 issued under Section 13(4) of the SARFAESI Act, 2002.

2.Learned Standing Counsel appearing for the second respondent Bank states that though the sale notice dated 18.05.2022, was served on the petitioners, fixing the sale on 06.07.2022, based on the undertaking given by the petitioners to deposit substantial amount, the sale notice was not published. Hence, it is not possible to publish the sale notice within 30 days time and they proposed to drop the sale.

3.Recording the above submissions, the Writ Petition is closed as infructuous. No costs. Consequently, connected Miscellaneous Petition is also closed. It is open to the second respondent to proceed further in accordance with law. It is also open to the petitioners to approach the respondent bank with any concrete proposal. If the petitioners have already promised or given undertaking to deposit substantial amount, it is open to the second respondent to take note of the conduct of the petitioners/borrowers while considering the future cause of action.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

The Debts Recovery Tribunal,
IV Floor, Kalyani Tower,
Melur Road, Madurai.

ORDER MADE IN
W.P (MD) No.11472 of 2022
14.06.2022

PKP/27.06.2022/2P/2C