



WEB COPY

W.P(MD)No.12995 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2022

CORAM

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

and

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

W.P(MD)No.12995 of 2022 and

W.M.P. (MD)No.9220 of 2022

N.Selvan

... Petitioner

Vs.

1.The Union of India,
Ministry of Finance,
Department of Banking and Financial Service,
3rd Floor, Jeevan Deep Building,
Sansad Marge, New Delhi-110 001.

2.The Debts Recovery Tribunal,
represented by its Registrar,
III & IV Floor, Kalyani Towers,
4/162, Madurai-Melur Road,
Uthangudi, Madurai - 625 107.

3.The Authorized Officer,
The Karur Vysya Bank Limited,
Asset Recovery Branch,
R.S.No.170/9, Uthangudi Village,
Near Mattuthavani Bus Stand,
Madurai - 625 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records relating to the sale notice, dated 02.06.2022 issued by the Authorised Officer, Karur Vysya Bank Limited, Asset Recovery Branch, 170/9, Uthangudi Village, Near Mattuthavani Bus Stand, Madurai, the third respondent herein and quash the same.

For Petitioner :Mr.A.V.Arun
For R1 and R2 :Mr.P.Dharmaraj
For R3 :Mr.R.Pandivel

ORDER

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

Challenging the sale notice, dated 02.06.2022, fixing the date of sale on 24.06.2022, the above Writ Petition is filed.



2.Heard Mr.A.V.Arun, learned Counsel for the petitioner, Mr.P.Dharmaraj, learned Senior Panel Counsel, who takes notice for R1 and R2 and Mr.R.Pandivel, learned Counsel, who takes notice on behalf of the third respondent.

3.As regards the petitioner's contention that the property, which is sought to be brought for sale, is an agricultural land, this Court is unable to decide the veracity of the statement whether the property, which is sought to be brought for sale, is an agricultural land or not.

4.From the photographs produced by the petitioner, it is seen that the land in question is fully occupied by coconut trees suggesting that the property is a coconut grove. If the photograph is relating to the subject property, this Court has no hesitation to conclude that the property is an agricultural land. However, this Court, as expressed earlier, is not deciding the issue without hearing the bank after getting instructions.

5.Though the auction is scheduled to be held tomorrow, ie., on 24.06.2022, and the last date for submitting the online bid/application form is today, ie., on 23.06.2022, the learned Counsel for the respondent banks states that the respondent bank has not received any bid/application form till this time. He further submitted that the respondent bank has informed that there is no possibility of getting any offer after this time.

6.Having regard to the submissions made by the learned Counsel for the respondent bank, this Writ Petition is dismissed as infructuous. However, if there is a bidder within the scheduled time, it is open to the petitioner or respondent bank to approach this Court for recalling this order. The Bank shall not proceed further without an order from this Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/07/2022

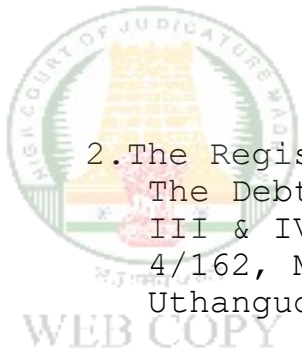
Sub Assistant Registrar(CS)

cmr

TO

1.The Union of India,
Ministry of Finance,
Department of Banking and Financial Service,
3rd Floor, Jeevan Deep Building,
Sardar Patel Marg, New Delhi-110 001.

<https://hcservices.sarva.gov.in/hcservices/>



2.The Registrar,
The Debts Recovery Tribunal,
III & IV Floor, Kalyani Towers,
4/162, Madurai-Melur Road,
Uthangudi, Madurai - 625 107.

3.The Authorized Officer,
The Karur Vysya Bank Limited,
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W.P (MD) No.12995 of 2022
23.06.2022

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