



W.P(MD)No.13348 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.13348 of 2022
and
W.M.P(MD).No.9472 of 2022**

R.Selvam
Proprietor Classic Marble and Granite,
23B, TPK Main Road,
Pykara,
Madurai-625 004.

... Petitioner

Vs.

1.The Authorized Officer,
India Bulls Housing Finance Limited,
Nos.16, 17, Shop No.A2, 3rd Floor,
K.R.V.Arcade, A.R.Plaza,
North Veli Street,
Madurai.

2.The Branch Manager,
India Bulls Housing Finance Limited,
Nos.16, 17, Shop No.A2, 3rd Floor,
K.R.V.Arcade, A.R.Plaza,
North Veli Street,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the



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respondents from issuing Sale Certificate to any person with regard to the properties mortgaged to the respondents as mentioned in the sale notice dated 10.05.2022.

For Petitioner : Mr.R.Rajamohan
For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

Heard Mr.R.Rajamohan, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondent Bank.

2. This Writ Petition has been filed for issuance of a writ of Mandamus, forbearing the respondents from issuing Sale Certificate to any person, with regard to the properties mortgaged to the respondents as mentioned in the sale notice, dated 10.05.2022.

3. The learned Standing Counsel appearing for the respondent Bank submitted that the petitioner has not impleaded the auction purchaser in this writ petition and the Sale Certificate has already been



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issued to the purchaser. Hence, this writ petition is not maintainable without impleading the auction purchaser. Further, the prayer sought for in the present writ petition has become infructuous.

4. In view of the submission made by the learned Standing Counsel appearing for the respondent Bank, nothing survives for adjudication in the present writ petition. Hence, this Writ Petition is dismissed. However, liberty is granted to the petitioner to challenge the sale, after impleading the auction purchaser. No costs. Connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
28.06.2022

Index :Yes/No
Internet :Yes
ssb



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S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

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ORDER MADE IN
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and
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