



W.P.(MD)No.14851 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM

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

W.P(MD)No.14851 of 2022
and
W.M.P.(MD)Nos.10617 and 10619 of 2022

A.Mohan

... Petitioner

Vs.

1.The Chief Judicial Magistrate, Madurai.

2.The Authorized Officer,
Canara Bank, Solavandhan Branch,
Madurai District.

3.The Branch Manager, Canara Bank,
Sholavandan Branch, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certioari, to call for the records relating to the impugned order of the first respondent in Cr.M.P.No.494/2022, dated 24.05.2022 and to quash the same as illegal and unconstitutional.

For Petitioner :Mr.S.Prabhu

For R2 and R3 :Mr.R.Pandivel



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ORDER

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

Challenging the order passed by the learned Chief Judicial Magistrate, Madurai, in Cr.M.P.No.494/2022, dated 24.05.2022.

2.Heard Mr.S.Prabhu, learned Counsel for the petitioner and Mr.R.Pandivel, learned Counsel, who takes notice for the respondents 2 and 3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.This Writ Petition is filed challenging the order of the learned Chief Judicial Magistrate, Madurai, suppressing the material facts, which are brought to the notice of this Court by the learned Counsel for the respondent Bank. It is stated that pursuant to the sale notice, the secured asset had been sold in a public auction and the sale certificate was issued in favour of the auction purchaser after the sale was confirmed. It is submitted by the learned Counsel for the respondent bank that a sale deed was also executed and the same was duly registered.

4.It is in these circumstances, the petitioner has come forward



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with the prayer challenging the order in the application filed by the respondent Bank under Section 14 of the SARFAESI Act. Even in the present proceedings, the auction purchaser has not been not made as a party respondent and the petitioner has not challenged the sale proceedings.

5.In view of the above, this Court is not inclined to entertain this Writ Petition. Hence, this Writ Petition is dismissed with liberty to the petitioner to challenge the sale, if he is able to show that the sale is vitiated by any material irregularity. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
11.07.2022

Index : Yes / No

cmr

To

The Chief Judicial Magistrate, Madurai.



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and

S.SRIMATHY, J.

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