



W.P(MD)No.16070 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM

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

**W.P(MD)No.16070 of 2022
and
W.M.P(MD).No.11617 of 2022**

S.Rajesh Prabhu

... Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
ARM Branch,
Madurai.

2.The Branch Manager,
Canara Bank,
Thondi Branch,
Thondi,
Ramanathapuram District-623 409.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records pertaining to the impugned Sale Notice by the first respondent dated 24.06.2022 under the SARFASEI Act, 2002 and to quash the same as illegal.



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For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.R.Pandivel
Standing Counsel for Bank

ORDER

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

Heard Mr.N.Pragalathan, learned counsel appearing for the petitioner and Mr.R.Pandivel, learned Standing Counsel appearing for the respondent bank.

2. This Writ Petition has been filed for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned Sale Notice issued by the first respondent dated 24.06.2022 under the SARFASEI Act, 2002 and quash the same as illegal.

3. It is reported by the learned Standing Counsel appearing for the respondent Bank that the petitioner is in the habit of challenging every sale notice and after getting interim order from the Tribunal, the petitioner does not comply with the conditions imposed on him.



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4. Having regard to the facts and circumstances of the case and the liability of the petitioner as on date which comes to Rs.2,67,09,046/- (Rupees Two Crores Sixty Seven Lakhs Nine Thousand and Forty Six only), this Court is not inclined to entertain this writ petition as the petitioner has not shown his *bonafides* on earlier occasions, after getting interim orders.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, liberty of petitioner is preserved to challenge the sale before the Tribunal on the ground of irregularities.

[S.S.S.R., J.] [S.S.Y., J.]
22.07.2022

Index :Yes/No
Internet :Yes
ssb



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AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
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