



W.P.(MD)No.17934 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :10.08.2022

CORAM:

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

W.P.(MD)No.17934 of 2022  
and  
W.M.P(MD)No.13086 of 2022

Saravanakumar.P,

... Petitioner

Vs.

1. The Authorised Officer,,  
Canara Bank, Tallakulam Branch,  
Madurai-625 002.

2. Canara Bank,  
Tallakulam Branch,  
Rep by its Branch Manager,  
96, 2nd Floor,  
Alagar Koil Main Road,  
Opp to American College,  
Thallakulam, Madurai-625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the 1<sup>st</sup> respondent and quash the proceedings in reference in Ref.No.DN/THOORIGAI/1012/256/6613/2022-23 dated 25.4.2022 and the impugned possession notice dated 02.7.2022 in proceedings NIL and quash the same as illegal, incompetent, unconstitutional and without jurisdiction.



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For Petitioner

: Mr.M.Mohamed Sherbudeen

For Respondents

: Mr.P.Madhan Alexander

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### **ORDER**

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

This writ petition is filed challenging the possession notice, dated 02.07.2022, issued by the first respondent.

2. Heard Mr.M.Mohamed Sherbudeen, learned counsel for the petitioner and Mr.P.Madhan Alexander, learned standing counsel for the respondent bank.

3. The learned counsel appearing for the respondent bank submitted that on-line sale notice had already been taken and that the petitioner has not challenged the same. It is further stated that individual notice was also sent to the petitioner about the sale.

4. In view of the above, this Court is of the view that the present writ petition challenging the notice for having taken symbolical possession of the



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petitioner is not maintainable. Hence, this writ petition is dismissed with liberty to the petitioner to challenge the sale notice or sale if it is vitiated by irregularities. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]  
10.08.2022

Index : Yes / No

pm

Note:Registry is directed to return the impugned order as well as the newspaper contained the publication of e-auction notice to the petitioner.



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**S.S.SUNDAR, J.**  
and  
**S.SRIMATHY, J.**  
pm

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