



W.P.(MD)No.19393 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2022

CORAM

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

W.P(MD)No.19393 of 2022

and

W.M.P.(MD)Nos.14156 of 2022

M/s.Siva Trader,
Represented by its Proprietor,
Mr.Chandrasekar,
No.8/5/151, Railway Station Road,
Vadamadurai – 624 802,
Dindigul District.

... Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Vadamadurai Branch,
Vadamadurai – 624 802,
Dindigul District.

2.The Branch Manager,
Canara Bank,
Vadamadurai Branch,
Vadamadurai – 624 802,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India,
praying to issue a Writ of Mandamus, forbearing the respondents
not to initiate any action based on the impugned order passed in



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Crl.M.P.No.0005673/2022 on the file of the learned Chief Judicial Magistrate, Dindigul, dated 29.07.2022 till the Settlement of total due amount due to be paid to the 2nd respondent bank based on petitioner's representation dated 05.05.2022 for one time settlement.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.P.Pethu Rajesh
Standing Counsel

* * *

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents not to initiate any action based on the impugned order passed in Crl.M.P.No. 0005673/2022 on the file of the learned Chief Judicial Magistrate, Dindigul, dated 29.07.2022, in the application filed by the first respondent under Section 14 of the SARFAESI Act, till the Settlement of total due amount due to be paid to the 2nd respondent bank based on petitioner's representation dated 05.05.2022 for one time settlement.



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2. Heard Mr.S.Sarvagan Prabhu, learned counsel for the petitioner and Mr.P.Pethu Rajesh, learned Standing Counsel for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Learned counsel for the petitioner admitted that the sale had taken place and the sale was confirmed in favour of a private party. The private individual, who is the auction purchaser, is not impleaded as respondent in the writ petition. The petitioner has not challenged the sale in the manner known to law. Hence, the Writ Petition cannot be maintained.

4. In view of the above, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed. However, liberty is given to the petitioner to challenge the sale in the manner known to law.

[S.S.S.R., J.] [S.S.Y., J.]
23.08.2022

Index : Yes / No

sj



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and

S.SRIMATHY, J.

sj

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