



W.P(MD)No.5853 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.5853 of 2018

Mrs.Thainees Mari

... Petitioner

vs.

1. The Authorized Officer,
Bank of Baroda,
Madurai Main Branch,
North Veli Street,
Simmakkal, Madurai.

2. Rani Textiles,
Rep. by its Proprietor B.Anbuvel,
D.No.59/11, South Avanimoola Street,
1st Floor, Madurai-625 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the sale notice dated 15.02.2018 as published in the daily the Hindu and quash the same.

For Petitioner : Mr.A.R.M.Ramesh
For R1 : Mr.Pala Ramasamy



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ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Challenging the sale notice dated 15.02.2018, the petitioner has filed this writ petition.

2. Learned standing counsel appearing for the respondent Bank submitted that as per the sale notice dated 15.02.2018, sale could not be conducted for want of bidders and therefore, the prayer in the writ petition has become infructuous.

3. Learned counsel for the petitioner submitted that the aforesaid sale notice dated 15.02.2018 was issued against the dead person namely, R.Kulandhai who was the guarantor and therefore, challenging the said sale notice, the petitioner, who is the wife of the said Kulandhai, filed this writ petition. He further submitted that if the respondent Bank resorts to issue any notice for further course of action, the same may be directed to be served on the legal heirs of Late R.Kulandhai.

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4. In view of the above, the Writ Petition is dismissed as infructuous. Considering the submission that the impugned sale notice was issued against the dead person, it is open to the respondent Bank to issue notice to the legal heirs of the guarantor for any future course of action. No costs.

[D.K.K.,J.] & [R.V.,J.]
12.12.2022

Index : Yes / No
Internet : Yes
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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