



W.P.(MD)No.24003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.(MD)No.24003 of 2022

and

W.M.P.(MD)No.18085 of 2022

M/s.Infinite Switch Gear,
Rep. by its Proprietor,
C.Sivakumar,
S/o.V.Chandran,
SF Nos.525/4 and 525/2B,
K.S.Nagar, Palamarathupatti Road,
Reddiyapatti Pirivu,
Dindigul.

... Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Dindigul Main Branch,
Dindigul.

2.The Branch Manager,
Canara Bank,
Dindigul Main Branch,
Dindigul.

3.The Joint Sub Registrar No.II,
Registration Department,
Dindigul,
Dindigul District.

4.Damodharan

... Respondents



W.P.(MD)No.24003 of 2022

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Auction Sale Notice dated 19.08.2022, issued by the 1st Respondent Bank and consequential Impugned Sale Certificate issued by the 1st Respondent in favour of the 4th respondent vide Document No.8054 of 2022, dated 27.09.2022 in respect of the petitioner's land an extent of 91.56 Sq. Ft. and building thereon comprised in Survey Nos.525/1C and 525/2B Near K.S.Nagar, Reddiyapatti Pirivu, Thottanoothu Village, Dindigul and quash the same as illegal.

For Petitioner : Mr.J.Lawrance

For Respondents 1 & 2 : Mr.R.Pandivel
Standing Counsel

For 3rd Respondent : Mr.S.P.Maharajan
Special Government Pleader
* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, challenging the Auction Sale Notice dated 19.08.2022, issued by the 1st Respondent and the consequential Sale Certificate issued by the 1st Respondent in favour of the 4th respondent vide Document No.8054 of 2022, dated 27.09.2022.



W.P.(MD)No.24003 of 2022

2. Heard Mr.J.Lawrance, learned counsel for the petitioner, Mr.R.Pandivel, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the third respondent. By consent of both sides, this Writ Petition is taken up for final disposal at the time of admission itself.

3. Having regard to the nature of the order proposed to be passed in the writ petition, notice to the fourth respondent is dispensed with.

4. The petitioner has challenged the auction sale notice and the sale certificate mainly on the grounds that principles of natural justice is not followed and the 1st respondent has reduced the reserve price by undervaluing the petitioner's property with malafide intention to defraud the petitioner.

5. Since the sale has been completed and sale certificate has been issued in favour of the fourth respondent, the petitioner has to avail the expeditious and effective remedy under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by filing necessary application before the Debts Recovery Tribunal.



W.P.(MD)No.24003 of 2022

6. In view of the same, this Writ Petition is closed granting liberty to the petitioner to file necessary application before the Debts Recovery Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
19.10.2022

Internet : Yes / No

Index : Yes / No

sj

To

1.The Joint Sub Registrar No.II,
Registration Department,
Dindigul,
Dindigul District.



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W.P.(MD)No.24003 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

W.P(MD)No.24003 of 2022

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