



W.P.(MD) No.26840 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.26840 of 2022
and W.M.P.(MD)No.21032 of 2022**

K.Thirumurugan

... Petitioner

-VS-

- 1.The Authorized Officer,
Canara Bank,
Asset Recovery Management Branch,
1st Floor, Muthaih Towers,
Williams Road, Trichy – 620 001.
- 2.The Deputy General manager,
Circle Office,
Canara Bank, East Veli Street,
Madurai – 625 001.
- 3.The Regional Manager,
Canara Bank,
Asset Recovery Management Branch,
1st Floor, Muthaih Towers,
Williams Road, Trichy – 620 001.



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4.The Branch Manager,
Canara Bank, S.M.E. Branch,
NIT Campus, Thuvakudi,
Tiruchirappalli.

5.R.Nagalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned E-auction notice dated 10.10.2022 issued by the 1st respondent and quash the same and consequently to set aside the entire auction proceedings conducted on 31.10.2022 and further directing the 2nd respondent to consider the OTS proposal made by the petitioner on 27.10.2022.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.C.Deepak,
Standing Counsel 1 to 4

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the impugned E-auction notice dated 10.10.2022 issued by the 1st respondent and also seeking a direction to the 2nd respondent to consider the OTS proposal made by the petitioner on 27.10.2022, this Writ Petition is filed.



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2. Heard Mr.M.P.Senthil, learned counsel for the petitioner and Mr.C.Deepak, learned Standing Counsel, who takes notice for the respondents 1 to 4.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. Though the prayer in this Writ Petition is to challenge the E-auction notice dated 10.10.2022 issued by the 1st respondent, now the learned counsel appearing for the petitioner confined his prayer only to consider the OTS proposal already submitted by the petitioner on 27.10.2022 to the 2nd respondent on merits, within a time frame, for which, the learned counsel for the second respondent has agreed.

5. Though this Court cannot issue any positive direction as sought for by the petitioner, in view of the submission made by the learned counsel for the respondents, the 2nd respondent Bank is directed to consider the One Time Settlement proposal submitted by the petitioner on 27.10.2022, on merits and in



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the light of the RBI norms, within a period of four (4) weeks from the date of receipt of a copy of this order. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
29.11.2022

vsm



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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

vsm

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