



W.P(MD)No.27863 of 2022

**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.27863 of 2022  
and  
W.M.P(MD)Nos.21947 & 21948 of 2022**

A.Kumaresan

... Petitioner

VS.

1.The Authorized Officer,  
UCO Bank, Palani Branch,  
82A Dr.Thirumalai Plaza,  
New Tharapuram Road,  
Palani,  
Dindigul District – 624 601.

2.The Branch Manager,  
UCO Bank, Palani Branch,  
82A Dr.Thirumalai Plaza,  
New Tharapuram Road,  
Palani,  
Dindigul District – 624 601.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, to call for the records relating to the impugned sale notice issued under the Securitisation and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI) order passed by the first respondent on

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17.11.2022 and quash the same and further directing the respondents to accept the outstanding amount deposited by the petitioner and redeem the mortgaged property free from all encumbrance.

For Petitioner : Mr.A.P.Muthupandian

For Respondents : Mr.K.Periyasamy

### **ORDER**

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

Challenging the impugned sale notice issued by the first respondent, dated 17.11.2022, the petitioner has filed the present Writ Petition and consequently, to direct the respondents to accept the outstanding amount deposited by the petitioner and redeem the mortgaged property free from all encumbrance.

2.The petitioner had borrowed a sum of Rs.5,50,000/- in the year 2013 by mortgaging his house property. Since the petitioner has defaulted in paying the instalments, the first respondent Bank has declared his account as "Non-Performing Account" and thereafter, the first respondent Bank has issued a sale notice to the petitioner on 17.11.2022



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directing him to pay a sum of Rs.17,51,578.50/- as on 31.10.2022 inclusive of interest upto 31.10.2022 together with interest and charges and fixed the E-auction sale on 05.12.2022 at 11.00 a.m. On that date, no bidder had participated in the E-auction conducted by the respondent Bank. Hence, the petitioner directly approached the second respondent Bank and requested them that he will pay the outstanding loan amount. But the respondent Bank has refused to accept the same. Challenging the impugned sale notice, dated 17.11.2022, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the respondent Bank submitted that on 05.12.2022, the auction purchaser has purchased the aforesaid property and the sale certificate has also been issued by the respondent Bank. In such circumstances, the petitioner cannot now claim such a remedy to settle all the entire sale proceedings by filing the present Writ Petition. The learned counsel has also produced a copy of sale certificate issued by the respondent Bank to the auction purchaser on 07.12.2022.



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4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.On a perusal of the records, it is seen that the petitioner has filed the instant Writ Petition on 08.12.2022, after the sale was conducted by the respondent on 05.12.2022. Further, the petitioner has not approached the Debts Recovery Tribunal and he has straight away approached this Court by filing the present Writ Petition.

6.In view of the above, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. However, this order will not preclude the parties from reaching an amicable settlement between themselves. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No  
Internet : Yes  
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**[D.K.K.,J.] [R.V.,J.]**  
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**D.KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.27863 of 2022**

**DATED : 12.12.2022**