



W.P(MD)No.28096 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM:

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

**W.P(MD)No.28096 of 2022
and W.M.P(MD)No.22182 of 2022**

F.Edwis Rajan

... Petitioner

vs.

The Authorized Officer,
Indian Bank,
NGO Colony,
Neyyoor Branch,
Neyyoor,
Kanyakumari District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorari, to call for the records relating to the E-Auction sale notice dated 22.11.2022 issued by the respondent Bank and quash the same.

For Petitioner : Mr.N.Edwin Jayakumar

For Respondent : Mr.R.Pandivel



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ORDER

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

Challenging the impugned E-Auction sale notice, dated 22.11.2022 issued by the respondent Bank, which is scheduled to be held on 14.12.2022, the petitioner has filed the present Writ Petition.

2.The Writ petitioner has raised the ground in the Writ Petition that the value of the property fetched more than 2 crores. Therefore, the said sale notice is liable to be quashed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is ready to pay 25% of the outstanding amount before the respondent Bank, for which, the learned counsel appearing for the respondent strongly objected that the petitioner has no *bonafide* to approach this Court and challenging the said sale notice. Earlier, the petitioner preferred an application in S.A.No.218 of 2022 along with I.A.No.736 of 2022 challenging the sale notice dated 23.02.2022 issued by the respondent Bank and the Tribunal by order, dated 25.03.2022, allowed I.A.No.736 of 2022, directing the petitioner to pay a sum of Rs.13.50 lakhs on or before 22.04.2022 and to pay another sum of Rs.13.50 lakhs on or



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before 20.05.2022 to the respondent Bank. But the said conditional interim order has not been complied with by the petitioner and further, the learned counsel appearing for the respondent Bank submitted that the petitioner has not brought this fact in the instant Writ Petition.

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

5.Considering the fact that the petitioner has already approached the Debts Recovery Tribunal in S.A.No.218 of 2022 and obtained an interim conditional order and the same has not been complied with by the petitioner, we are not inclined to entertain the Writ Petition. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to challenge the sale notice before the Debts Recovery Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
14.12.2022

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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