



W.P.No.8966 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

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M/s. Annai Petro Traders
Rep. by its Proprietor S.S.Krishnamoorthi
No.85/135, Bretts Road
Salem 636 001.

.. Petitioner

Vs.

M/s. City Union Bank Ltd.
Rep. by its Authorised Officer
Administrative Office
No.24-B, Gandhi Nagar
Kumbakonam 610 001.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records relating to the impugned sale notice dated 06.03.2023 by the respondent in respect of petitioner mortgaged property and quash the same.

For the Petitioner : Ms.D.Kamatchi

For the Respondent : Ms.Ananda Gomathy

ORDER



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(Made by the Hon'ble Chief Justice)

Heard Ms.D.Kamatchi, learned counsel for the petitioner and Ms.Ananda Gomathy, learned counsel for the respondent.

2. Learned counsel for the petitioner had filed S.A. before the Debts Recovery Tribunal challenging the sale notice. As, at the relevant time, the Debts Recovery Tribunal was not officiating, the present writ petition has been filed.

3. This Court, under its order dated 21.03.2023, directed the petitioner to deposit Rs.31.00 lakh in three instalments and granted interim protection. The petitioner has deposited the said amount.

4. Learned counsel for the petitioner submits that the petitioner had given four properties as security. Three properties are sold by the bank and Rs.1,80,50,000/- has been recovered by the bank. The fourth property is the only property remaining with the petitioner. The reserve price fixed by the bank is Rs.29.00 lakh. The petitioner has already paid Rs.31.00 lakh. Still, the bank is claiming huge amount



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as arrears. The bank has not given the details.

5. Learned counsel for the respondent bank submits that the sale could not materialise. As such, the sale notice also does not survive.

6. In the light of that, no further relief can be granted to the petitioner in the present matter.

7. So far as the dispute with regard to interest is concerned, the petitioner may approach the bank. The bank shall give the details of the amount outstanding against the petitioner. The petitioner may take appropriate steps thereafter. The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.9099 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
kpl



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