



WP No.12222 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.12222 of 2023

K.Senthilprabhu ... Petitioner

versus

1.Punjab National Bank
Rep by its Authorized Officer
D.Sarath Babu, Circle Sastra Centre,
448-A Dr.Nanjappa Road
Coimbatore- 641 018.

2.M/s.Sri Sendur Murugan Textiles
Rep by its Proprietor Mrs. Gohila
No.1/6A Elgi Nagar
Vellalore, Coimbatore- 111.

3.Gohila ... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the impugned order dated 31.03.2023 on the file of 1st respondent and quash the same and direct the 1st respondent to execute the sale in respect of the petitioner.

For the Petitioner : Mr.K.Prabhakran

For the Respondents : Mr.M.L.Ganesh,
for the first respondent



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ORDER

(Made by the Hon'ble Acting Chief Justice)

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The petitioner filed this writ petition seeking a writ of certiorarified mandamus calling for the impugned order dated 31.03.2023 on the file of the first respondent and quash the same and direct the first respondent to execute the sale in respect of the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner being successful bidder at the auction held on 24.03.2023, as per rule, has paid 15% of the bid amount. When he was prepared to pay the balance 85% of the bid amount on the very same day, the borrower has come forward to pay money. On 29.03.2023, the petitioner received an e-mail regarding cancellation of the sale proceedings. Therefore, the petitioner has come to this Court to direct the bank to receive the balance amount and issue sales certificate.

3. Mr.M.L.Ganesh, learned counsel appearing for the bank submitted that this writ petition cannot be maintained legally since the issue between the borrower and the secured creditor has been settled. A one-time settlement is agreed between the borrower and the Bank. Therefore, there is no need to confirm the auction. It is also submitted by Mr.M.L.Ganesh that 15% of the bid amount has also been returned to the petitioner.



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4. In view of the same, nothing survives for adjudication in this writ petition. The writ petition is dismissed. There will be no order as to costs. Consequently, CMP Nos.12067 and 12070 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
21.04.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To
The Authorized Officer
Punjab National Bank
D.Sarath Babu
Circle Sastra Centre,
448-A Dr.Nanjappa Road
Coimbatore- 641 018.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

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