



W.P.No.14637 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HONOURABLE MR.A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.14637 OF 2023
AND WMP NO.14121 OF 2023

M/s.Senthil Construction Corporation Pvt. Ltd.,
Rep. By its Director
Vivitha Senthilkumar
Senthil Towers, 6th Floor,
No.1078, Avinashi Road,
Coimbatore – 641 018.

.. Petitioner

Vs.

Indian Bank
Rep. By its Branch Manager
Triplicane Branch
No.84, Big Street,
Triplicane, Chennai – 600 005.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Declaration, to declare that the E-auction



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sale notice dated 30.03.2023 issued by the respondent Bank in Dinamani (Chennai) is per-se invalid, null and void.

For Petitioner : Mr.V.Karthik
Senior Counsel for Mr.M.Roshan Atiq

For Respondent : Mr.Jayesh B. Dolia

ORDER

A.D.JAGADISH CHANDIRA, J.
and
C.SARAVANAN, J.

This writ petition has been filed by the petitioner seeking to declare that the E-auction sale notice dated 30.03.2023 issued by the respondent Bank in Dinamani (Chennai) is *per-se* invalid, null and void.

2.Heard the submissions made by the learned Senior Counsel for the petitioner and the learned counsel for the respondent.

3.The learned Senior Counsel for the petitioner would submit that the property in question, which is proposed to be E-auctioned tomorrow (05.05.2023) is fetching a sum of Rs.1,700/- per sq.ft, whereas, the



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respondent Bank has fixed the price @ Rs.800/- per sq.ft. He would further submit that the petitioner will pay 10% of the outstanding due, which amounts to Rs.1.241 Crores, within a period of two weeks and the balance amount will be mobilized, if the respondent Bank allows the petitioner to sell the property, which are the secured asset of the respondent Bank.

4.Considering the above submission, we are inclined to dispose of this writ petition by directing the respondent Bank to defer the E-auction scheduled to be held on 05.05.2023, by a period of four weeks from today. The petitioner shall deposit the aforesaid amount of Rs.1.241 Crores, within a period of two weeks from today. If the petitioner fails to deposit the said amount, the respondent Bank is at liberty to re-start the recovery proceedings by proceeding with the sale. In case the petitioner deposits the said amount, the petitioner's request for selling the property, which are the secured asset of the respondent Bank, may be considered by the Headquarters of the respondent Bank.



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5.The writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.]

[C.S.N., J.]

04.05.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
TK

To

The Branch Manager
Indian Bank
Triplicane Branch
No.84, Big Street,
Triplicane, Chennai – 600 005.



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A.D.JAGADISH CHANDIRA, J.,
AND
C.SARAVANAN, J.,

TK/AV

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