



WP No.17637 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

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

AND

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

WP No.17637 of 2023

M.Kannan

... Petitioner

versus

1.M/s.Canara Bank

Represented by its Authorized Person

Kannivadi Branch, Kannivadi, Dharapuram Taluk

Tirupur 639 202

2.V.S.Mani

3.M.Suseela

4.M.Nithya

5.C.Somasundaram

6.C.Chinnasamy

7.S. Thiru. Chanidra Moorthy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned e-auction sale notice of the 1st Respondent dated 08.05.2023 and quash the same and consequently direct the 1st Respondent not to issue further e-sale notice with respect to property pending disposal of O.S.No.293 of 2022 pending on the file of District Munsif, Dharapuram.

For the Petitioner

: Ms.Premakumari,
for M/s.Karan and Uday

For the Respondents

: Mr.P.Raghunathan,

Page 1 of 4



WEB COPY



WP No.17637 of 2023

for M/s.T.S.Gopalan & Co.,
for the first respondent

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Ms.Premakumari, learned counsel for the petitioner and Mr.P.Raghunathan for the first respondent/bank.

2. The sale notice dated 08.05.2023 is challenged by the petitioner in the present writ petition.

3. In fact, the petitioner has a remedy before the Debts Recovery Tribunal. Without exhausting the remedy before the Tribunal, the petitioner ought not to have filed the present Writ Petition.

4. Learned counsel for the first respondent/bank submits that in the earlier auction, the bank did not proceed with the same and on 12.06.2023, the bank did not receive bidders. Now, the bank would go for fresh auction, as per the rules.



WP No.17637 of 2023

5. If the petitioner is aggrieved by the fresh auction to be conducted by the bank, it is for the petitioner to assail the same, if the petitioner so desires, before the Debts Recovery Tribunal, as may be permissible under law.

6. The Writ Petition is disposed of. There will be no order as to costs. Consequently, WMP Nos.16775 and 16777 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

14.06.2023

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

To:

1.The Authorized Person,
M/s.Canara Bank
Kannivadi Branch, Kannivadi,
Dharapuram Taluk
Tirupur 639 202



WEB COPY



WP No.17637 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(tar)

WP No.17637 of 2023

14.06.2023