



W.P(MD)No.209 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

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

W.P(MD)No.209 of 2023
and
WMP(MD)No.174 of 2023

M/s.KSM Leather Exports,
Rep. by its Proprietor,
B.Noor Mohammed

... Petitioner

VS.

The Authorized Officer/Assistant General Manager,
CANARA Bank,
Teynampet Branch,
No.563/1, Anna Salai (Ground Floor),
Teynampet,
Chennai-600 018.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned E-Auction Sale Notice dated 19.12.2022 issued by the respondent and quash the same.



W.P(MD)No.209 of 2023

WEB COPY

For Petitioner : Mr.P.R.Prithviraj
For Respondent : Mr.R.Pandivel, Standing Counsel

ORDER

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

On 05.01.2023, we passed the following order:-

"Challenging the impugned E-auction sale notice issued by the respondent, dated 19.12.2022, the petitioner has filed the present Writ Petition.

2.According to the petitioner, the respondent Bank has initiated SARFAESI proceedings by inviting the public notification to sell the subject matter of the property in respect of Survey No. 53/5A1, Patta No.615, Periyakottai Village, Dindigul Taluk, Dindigul District measuring to an extent of 20.50 cents. The petitioner also enclosed the certificate issued by the Village Administrative Officer in respect of Survey No.53/5A1 in the common typedset of papers in W.P(MD)No.208 of 2023 stating that the aforesaid property is an agricultural land and cultivating crops in the said land.

3.The submission made by the learned counsel appearing for the petitioner is refuted by the learned counsel appearing for the respondent Bank and the said land comes within the jurisdiction of the Dindigul Town and it is a vacant land. To that extent, the



W.P(MD)No.209 of 2023

WEB COPY

learned counsel appearing for the respondent Bank seeks time to file a counter-affidavit along with supporting documents.

4.Post the matter on 23.01.2022. In the meantime, there shall be an order of interim stay in respect of the confirmation of the sale alone and the sale as scheduled may go on."

2. Today, when the writ petition was taken up for hearing, learned standing counsel appearing for the respondent, on instructions, submitted that the sale as scheduled was not conducted and therefore, the prayer in this writ petition has become infructuous.

3. Recording the aforesaid submission, the Writ Petition is dismissed with liberty to the petitioner to approach the authority concerned ventilating his grievance that the property in question is his agricultural land. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
bala

[D.K.K.,J.] & [R.V.,J.]
23.01.2023

3/4



WEB COPY



W.P(MD)No.209 of 2023

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

bala

ORDER MADE IN
W.P(MD)No.209 of 2023
DATED : 23.01.2023