



W.P.(MD) No.2745 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2745 of 2023

and

W.M.P.(MD)No.2503 of 2023

G.Karthick Narayan

... Petitioner

-Vs-

1.The Authorized Officer,
Canara Bank, Madurai.

2.The Chief Manager,
Canara Bank, Tallakulam,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the sale notice under Ref.No.MDU/REC/SN/STY/2022-23, dated 18.01.2023 and quash the same and direct the respondents to grant 6 months time to repay the dues in full quit.

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For Petitioner : Ms.P.Malini
For Respondents : Mr.Madhan Alexendar,
For Mr.T.Thevan

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the sale notice dated 18.01.2023 issued by the 2nd respondent, this Writ Petition is filed with a consequential direction to the respondents to grant 6 months time to repay the dues in full quit.

2.Since the Debts Recovery Tribunal, Madurai is functioning once in a week ie., every Friday, this Court entertained this Writ Petition and passed the following conditional interim order dated 10.02.2023:-

“4.Considering the submissions made by both sides, we are of the view that a prima facie case has been made out for grant of interim stay. Hence, there shall be an order of interim stay of confirmation of sale alone, subject to the condition that the petitioner shall pay a sum of Rs.35 lakhs to the respondents – Bank on or before 24.02.2023, failing which, the interim stay granted today, shall stand automatically vacated without any further reference to this Court and



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it is open to the respondents – Bank to proceed further in accordance with law. It is made clear that the interim stay is granted only in respect of the petitioner's property alone.”

3.The learned counsel appearing for the petitioner submitted that the aforesaid conditional order has been complied with by the petitioner.

4.The learned counsel appearing for the respondents submitted that the respondent Bank conducted auction and the successful bidder has paid 10% of the auction amount, however, has not paid the remaining amount as per the terms and conditions. Therefore, the amount paid by the successful bidder has been returned.

5.In view of the above, the prayer sought for in this Writ Petition has become infructuous. Therefore, this Writ Petition stands dismissed. If the petitioner is being aggrieved by any of the proceedings initiated by the respondent Bank, he is at liberty to approach the Debts Recovery Tribunal, Madurai for appropriate relief. In the meantime, the petitioner can also seek his

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remedy before the respondent Bank for settlement of the entire outstanding amount either under One Time Settlement or by any offer made by the respondent Bank. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [L.V.G., J.]

27.02.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR



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AND
L.VICTORIA GOWRI, J.

MYR

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