



W.P.(MD) No.5372 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.5372 of 2023

and

W.M.P.(MD) Nos.5034 and 5035 of 2023

M/s.Parthas Textiles,
A Registered Partnership Firm,
No.40/12 P.W.D.Road,
Nagercoil,
Rep. by its Partner

... Petitioner

-VS-

- 1.The Authorized Officer,
M/s.Karur Vysya Bank Ltd.,
Head Office at Madurai &
Nagercoil Branch,
Kanyakumari District.
- 2.The Chief Judicial Magistrate,
Kanyakumari District at
Nagercoil.
- 3.Mr.S.Perumal,
Advocate Commissioner,
Nagercoil.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorari calling for the records relating to the impugned



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order of the second respondent in Cr.M.P.No.239 of 2023 on the file of the Chief Judicial Magistrate, Kanyakumari District at Nagercoil, impugned dispossession notice of the third respondent, dated 03.03.2023 and the consequent impugned E-Auction sale notice of the 1st respondent, dated 22.02.2023 and quash the same and consequently direct the 1st respondent herein to furnish a fresh statement of accounts adjusting all the amounts so far paid and details of rate of interest charged thereon.

For Petitioner : Mr.S.Srinivasa Raghavan
For R-1 : Mr.V.Sukumar, Standing Counsel
For R-3 : No Appearance

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Challenge in this writ petition is to the second sale notice and the order passed by the Chief Judicial Magistrate, Kanniyakumari District at Nagercoil, under Section 14 of the SARFEASI Act.

2. Mr.V.Sukumar, learned standing counsel appearing for the bank would submit that the first sale notice was also challenged before the Debts Recovery Tribunal and a conditional order was passed. The petitioner failed to comply with the conditional order, resulting the bank



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issuing the second sale notice. Even the second sale notice was challenged before this Court and this Court granted a conditional order which has also not been complied.

3. The learned counsel appearing for the petitioner seeks indulgence by extension of time.

4. We do not think that the petitioner deserves such extension. The petitioner appears to be a habitual defaulter. Hence, we do not see any reason to keep this writ petition pending. The Writ petition is therefore, dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

05.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

PM

To:

The Chief Judicial Magistrate,
Kanyakumari District at
Nagercoil.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

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