



W.P.(MD) Nos5550 and 5551 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM:

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

**W.P.(MD) No.5550 and 5551 of 2023
and
W.M.P.(MD) Nos.5177, 5178 and 5180 of 2023**

W.P.(MD) No.5550 of 2023

M.Muthuselvi

... Petitioner

-VS-

1.The Authorised Officer,
Canara Bank,
Sivakasi-II Branch,
Virudhunagar District.

2.The Branch Manager,
Canara Bank,
Sivakasi-II Branch,
Virudhunagar District.

3.Seenivasan

... Respondents



W.P.(MD) Nos5550 and 5551 of 2023

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned e-auction sale notice dated 26.11.2021 and the consequential auction sale held on 29.12.2021 and quash the same.

For Petitioner : Mr.G.Mohan Kumar

For RR1 & 2 : Mr.R.Pandivel
Standing Counsel

For R3 : Mr.R.J.Karthick

W.P.(MD) No.5551 of 2023

M.Muthuselvi

... Petitioner

-VS-

1.The Authorised Officer,
Canara Bank,
Sivakasi-II Branch,
Virudhunagar District.

2.The Branch Manager,
Canara Bank,
Sivakasi-II Branch,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order made in



W.P.(MD) Nos5550 and 5551 of 2023

WEB COPY

Crl.M.P.No.10135 of 2022 on the file of the Chief Judicial Magistrate, Virudhunagar at Srivilliputur dated 20.01.2023 and quash the same.

For Petitioner : Mr.G.Mohan Kumar

For Respondents : Mr.R.Pandivel
Standing Counsel

COMMON ORDER

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

The learned counsel for the parties would submit that the entire issue has been settled. The debtor viz., the petitioner in both the writ petitions has paid the entire amount due to the Bank and has also compensated the auction purchaser.

2. The learned counsel for the respondents have no objection in these writ petitions being allowed and the sale certificate issued by the Bank pursuant to the sale notice being cancelled.

3. Recording the statement of the learned counsel on record for the petitioner, the Bank as well as the auction purchaser, these writ petitions are



W.P.(MD) Nos5550 and 5551 of 2023

WEB COPY

allowed. The sale notice dated 26.11.2021 impugned in W.P.(MD) No.5550 of 2023 is set aside, as a consequence the sale certificate issued by the Bank will also stand cancelled and the order dated 20.01.2023 passed in CrI.M.P.No.10135 of 2022 by the Chief Judicial Magistrate, Virudhunagar impugned in W.P.(MD) No.5551 of 2023 is also set aside. The Bank will cancel the MoDT subject matter of these writ petitions. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]
13.04.2023

NCC : Yes
Index : Yes
Internet : Yes

abr



W.P.(MD) Nos5550 and 5551 of 2023

WEB COPY

To

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Sivakasi-II Branch,
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- 2.The Branch Manager,
Canara Bank,
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W.P.(MD) Nos5550 and 5551 of 2023

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

abr

W.P.(MD) Nos.5550 and 551 of 2023

13.04.2023