



W.P.(MD) No.9399 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.9399 of 2021

and

W.M.P.(MD)Nos.7111 to 7113 of 2021

1.R.Saravanakumar

2.V.Gowri

... Petitioners

-Vs-

1.The Chief Manager,

Tamil Nadu Mercantile Bank,

D.No.16&17 Gnanagiri Road,

Palaniandavarpuram Colony,

Sivakasi.

2.The Tamil Nadu Mercantile Bank Ltd.,

Sivakasi Branch, rep. by its Authorized Officer,

R.Murugavel, Chief Manager.

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3.M.Thiruppathi Raja

... 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 order in Cr.M.P.No.26 of 2020 on the file of the learned Chief Judicial Magistrate, Virudhunagar at Srivilliputhur dated 06.03.2021 and quash the same.

For Petitioners : Mr.S.Venkatesh
For R1 & R2 : Mr.T.Thevan
Standing Counsel
For R3 : Mr.M.Rajasekaran

ORDER

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

The order of the learned Chief Judicial Magistrate, Virudhunagar at Srivilliputhur dated 06.03.2021 in Cr.M.P.No.26 of 2020, is under challenge in this Writ Petition.

2.The learned Standing Counsel for the respondent Bank submitted that this Writ Petition is not maintainable for the reason that the property in question was sold out through auction on 20.03.2020 and sale certificate was

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also issued to the auction purchaser on 02.07.2022 and the same has also been registered. Further, the petitioners have also filed an appeal in S.A.No.218 of 2020 before the Debts Recovery Tribunal, Madurai, challenging the sale notice and the same is still pending.

3.We are also in agreement with the submission made by the learned Standing Counsel for the respondent Bank. Accordingly, this Writ Petition stands dismissed with liberty to the petitioners to approach the Debts Recovery Tribunal, Madurai for appropriate relief. No costs. Consequently, connected miscellaneous petitions are closed.

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

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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