



W.P.(MD) No.14374 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

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

**W.P.(MD) No.14374 of 2023
and
W.M.P.(MD) Nos.12180, 12182 and 12179 of 2023**

Vasanthakumari

... Petitioner

-VS-

The Authorised Officer,
Canara Bank,
SME Branch,
No.87/7-4, Municipal Colony,
80 Feet Road,
Nehruji Nagar, Dindigul – 624001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the respondent impugned sale notice dated 04.03.2023 and quash the same as devoid of merits and consequently direct the respondent to restore the possession of the petitioners



W.P.(MD) No.14374 of 2023

WEB COPY

dwelling house bearing door No.6/120, R Pudukottai Post, Ward No.5,
Vinayagarkovil Back Side, Gujiliamparai Taluk, Dindigul - 624 706.

For Petitioner : Mr.T.Ramasamy

For Respondent : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

In view of the fact that the Debts Recovery Tribunal, Madurai, is not
manned, we are entertaining this writ petition.

2. Mr.N.Dilip Kumar, learned Standing Counsel, takes notice for the
respondent – Bank.

3. With the consent of both sides, this writ petition is taken up for
final hearing at the admission stage itself.



W.P.(MD) No.14374 of 2023

WEB COPY

4. The petitioner's challenge is to the second sale notice dated 04.03.2023, issued by the respondent – Bank.

5. Mr.N.Dilip Kumar, learned Standing Counsel appearing for the respondent – Bank would submit that as on today, the due amount is Rs.63,11,021.65/-. He would also submit that a sale notice was issued in the year 2022 which was challenged by the borrower in S.A.No.412 of 2022 and conditional order was passed on 23.12.2022. The said conditional order was not complied with. However, since there was no bidder, the bank was forced to adjourn the sale. Thereafter, the bank applied to the learned Chief Judicial Magistrate under Section 14 of SARFAESI Act and an order granting possession was made. The said order is the subject matter of challenge in W.P.(MD) No. 13823 of 2023. Since there was no interim order, possession has also been taken. He would add that the sale pursuant to the notice under challenge was held on 24.03.2023 and the same has also been confirmed.

6. In the light of the above subsequent developments and the fact that the sale has taken place and third party interest has intervened, we do not think



W.P.(MD) No.14374 of 2023

WEB COPY

that we can entertain this writ petition. Accordingly, this writ petition stands dismissed reserving liberty to the petitioner to approach the jurisdictional Debts Recovery Tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

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

19.06.2023

NCC : No
Index : No
Internet : Yes
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W.P.(MD) No.14374 of 2023

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

PKN

W.P.(MD) No.14374 of 2023

19.06.2023