



W.P(MD)No.18339 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.18339 of 2022  
and  
WMP(MD)Nos.13358 and 13359 of 2022

S.Paulpandi

... Petitioner

vs.

1. The Authorized Officer,  
Tamilnadu Mercantile Bank,  
Madurai Simmakkal Branch,  
No.28, Naicker New Street,  
Sakthi Sivam Theatre Complex,  
Simmakkal, Madurai-625 001.

2. Tamilnadu Mercantile Bank,  
Rep. by its Branch Manager,  
Madurai Simmakkal Branch,  
No.28, Naicker New Street,  
Sakthi Sivam Theatre Complex,  
Simmakkal, Madurai-625 001.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned sale notice 08.07.2022 of the 1<sup>st</sup> respondent Bank in respect of the petitioner's property of an extent of



W.P(MD)No.18339 of 2022

an extent of 6 Acres 57 cents situate at S.Nos.280/3, 280/1A, B 280/2A, E.B, C.D.H.F.G.I.L.M, 2804A, B in Patta No.1378, present patta No.1490, Peraiyur, SRO, Mathakarai Village, T.Kallupatti Panchayat Union, Peraiyur Taluk, Madurai South RD, Madurai District and an extent of 54 cents of agricultural punja land in R.S.No.280/2J, 280/2K as per patta No.1378 in S.No.280/2 at Peraiyur SRO, Mathakarai Village, T.Kallupatti Panchayat Union, Peraiyur Taluk, Madurai South RD, Madurai District and quash the same.

For Petitioner : Mr.C.Mahadevan  
For Respondents : Mr.A.R.M.Ramesh, Standing Counsel

### **ORDER**

**(Order of the Court was made by D.KRISHNAKUMAR, J.)**

Challenging the sale notice 08.07.2022 issued by the 1<sup>st</sup> respondent Bank, the petitioner has filed this writ petition.

2. Learned standing counsel appearing for the respondent Bank submitted that the sale as scheduled was not held for want of bidders and therefore, the prayer in this writ petition has become infructuous.



W.P(MD)No.18339 of 2022

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3. Learned counsel for the petitioner submitted that the petitioner has already filed SARFAESI appeal in S.A.No.198/2018 before the Debts Recovery Tribunal, Madurai, challenging the possession notice dated 09.03.2018 and the same is pending for orders.

4. In the light of the above submission that the sale was not held for want of bidders, the Writ Petition is dismissed as infructuous. No costs. It is for the petitioner to work out his remedy in the pending appeal before the Debts Recovery Tribunal, Madurai. Connected miscellaneous petitions are closed.

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
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**[D.K.K.,J.] & [L.V.G.,J.]**  
**16.02.2023**



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W.P(MD)No.18339 of 2022

**D.KRISHNAKUMAR, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

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**ORDER MADE IN**  
**W.P(MD)No.18339 of 2022**  
**DATED : 16.02.2023**