



W.P(MD)No.19212 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.19212 of 2022
and
W.M.P(MD)No.14006 of 2022**

Maharani

... Petitioner

VS.

1.The Authorized Officer,
Hinduja Housing Finance Limited,
Door No.1242/5, 1st Floor,
Trivadrum Road,
Opposite to Nehruji Kalayarangam,
Palayamkottai,
Tirunelveli – 627 002.

2.The Branch Manager,
Hinduja Housing Finance Limited,
No.2/3, GV Highets,
2nd Floor, Theni Main Road,
Opposite TVS Industries,
Madurai – 625 016.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the e-auction sale notice dated 23.07.2022 and

1/5



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quash the same as arbitrary and illegal and in consequence thereof direct the respondents to accept the loan amount due to the Bank in instalments.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.R.S.Sivaram
Standing Counsel

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Certiorarified Mandamus, to quash the e-auction sale notice dated 23.07.2022 and in consequence thereof to direct the respondents to accept the loan amount due to the Bank in instalments.

2.According to the petitioner, the conditional interim order passed by this Court, dated 23.08.2022, has been complied with.

3.The learned counsel appearing for the respondents submitted that in view of the interim stay granted by this Court on 23.08.2022, no sale was conducted on the date of auction on 01.09.2022. The learned counsel further submitted that since no auction was conducted, the prayer



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4.Both the parties have agreed that if any further auction conducted by the respondents Bank, it is for the petitioner to seek appropriate remedy before the appropriate forum.

5.In the light of the above, this Writ Petition stands disposed of with liberty to the petitioner to question of powers of the respondents Bank by invoking the provisions of the SARFAESI Act. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
06.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.19212 of 2022

DATED : 06.02.2023