



W.P.(MD) No.20638 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.02.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.20638 of 2022**

**and**

**W.M.P.(MD)Nos.14966 to 14968 of 2022**

S.Gopalakrishnan

... Petitioner

**-Vs-**

1.The Authorized Officer,

City Union Bank Ltd.,

24B, Gandhi Nagar, Kumbakonam-612 001.

2.The Branch Manager,

City Union Bank Ltd.,

Ilayankudi Branch, Ilayankudi,

Sivagangai District.

3.Seethalakshmi

... Respondents

**Page 1 of 4**



W.P.(MD) No.20638 of 2022

WEB CONTENT

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the file of the 1<sup>st</sup> respondent starting from the Demand Notice dated 04.09.2021 ending with Sale Notice dated 20.06.2022, quash the same in consequence thereof issue Writ of Mandamus, to set aside the sale confirmation dated 15.07.2022.

For Petitioner : Mr.S.Rengasamy  
For R1 & R2 : Mr.N.Dilip Kumar,  
Standing Counsel  
For R3 : No Appearance

### **ORDER**

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

Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the respondent Bank submitted that the co-borrowers passed away. Therefore, the respondent Bank is inclined to initiate SARFAESI proceedings afresh to recover the amount from the surviving legal heirs of the co-borrowers and the guarantors.



W.P.(MD) No.20638 of 2022

WEB COPY

2.In view of the aforesaid submission, nothing survives for further adjudication in this matter. Therefore, this Writ Petition stands dismissed with liberty to the respondent Bank to initiate SARFAESI proceedings afresh in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

**[D.K.K., J.] & [L.V.G., J.]**

**21.02.2023**

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

*MYR*



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W.P.(MD) No.20638 of 2022

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

*MYR*

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