



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.18980 OF 2023
and
W.M.P(MD)Nos.15766 and 15767 of 2023**

G.Balaji Arunkumar

:Petitioner

.VS.

1.The Authorized Officer,
State Bank of India,
Stressed Assets Recovery Branch,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar First Floor,
Madurai – 625 020.

2.Shri, Santhana Gopalakrishnan,
1c/1a, Third Land, Mela Chetty Street,
Therkavani Moola Street,
Madurai – 625 001.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Auction Sale Notice, dated 11.05.2023 and the consequential Sale Confirmation Letter, dated 11.07.2023 issued by the first respondent to the second respondent and to quash the same as illegal and consequently to direct the first respondent to accept the payment of 31,00,000/-(Rupees thirty one lakhs only) and discharge the mortgage over the subject



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property to the Petitioner.

For Petitioner :Mr.S.Suresh

For Respondents :Mr.N.Dilip Kumar
1 and 2 Standing Counsel

ORDER

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Certiorarified Mandamus calling for the records pertaining to the Auction Sale Notice, dated 11.05.2023 and the consequential Sale Confirmation Letter, dated 11.07.2023 issued by the first respondent to the second respondent and to quash the same as illegal and consequently to direct the first respondent to accept the payment of 31,00,000/-(Rupees thirty one lakhs only) and discharge the mortgage over the subject property to the Petitioner.

2.Mr.N.Dilip Kumar, learned Standing Counsel takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.It is now represented that the sale as proposed, has taken place and the sale certificate was also issued to the auction



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purchaser. However, the Petitioner states that he has earlier filed SARFAESI Application in S.A.No.200 of 2023 as against the sale notice and obtained an interim order, on condition. Though the Petitioner has not complied with the conditional order, it is represented by the learned counsel for the Petitioner that an extension application in I.A.No.1220 of 2023 is filed. Now the Petitioner states that he is now prepared to deposit a sum of Rs.31 lakhs and seeks to set aside the sale. The learned counsel for the Petitioner also states that already the Petitioner has purchased Demand Draft for a sum of Rs.31 lakhs in favour of the respondents/Bank.

4. In view of the above, this Court is of the view that the Petitioner can be permitted to deposit the amount or pay to the Bank in the application filed seeking extension of time. Further, the Petitioner has already filed an application to implead the auction purchaser in S.A.No.200 of 2023. Hence, with the liberty preserved to the Petitioner to approach the Debts Recovery Tribunal and to prosecute the application seeking extension of time, the Writ Petition is closed. It is also open to the Petitioner to file an application before the Debts Recovery Tribunal not to register the



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sale certificate within a period of one week from the date of receipt of a copy of the order. The respondents/Bank is also directed not to precipitate the matter further, till such time, the Petitioner moves an application before the Debts Recovery Tribunal, for appropriate relief, in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R.,J.] [D.B.C,J.]
07.08.2023

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

vsn

To

The Authorized Officer,
State Bank of India,
Stressed Assets Recovery Branch,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar First Floor,
Madurai – 625 020.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)NO.18980 OF 2023

and

**W.M.P(MD)Nos.15766 and
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