



W.P.(MD) No.20878 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2023

CORAM:

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

**W.P.(MD) No.20878 of 2023
and
W.M.P.(MD)Nos.17284 and 17286 of 2023**

A.Marimuthu

: Petitioner

-vs-

- 1.The Authorized Officer,
Indian Overseas Bank,
Plot No.40, Eighty Feet Road,
Arignar Anna Nagar,
Madurai 625 020.
- 2.The Branch Manager,
Indian Overseas Bank,
Collectorate Branch,
Dindigul.
- 3.The Sub Registrar (Registration),
Kannivadi,
Dindigul District.
- 4.Senthilkumar

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned sale certificate issued by the first respondent in his proceedings No.RO/MDU/SAMD/02/2022-23 dated 11.10.2022 and the same was



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registered before the third respondent in document No.4 of 2023 on 02.01.2023 and quash the same.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.N.Dilipkumar
Standing Counsel for R1 & R2

Mr.J.Ashok
Additional Government Pleader for R3

No Appearance for R4

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition is filed to quash the impugned sale certificate issued by the first respondent in his proceedings No.RO/MDU/SAMD/02/2022-23 dated 11.10.2022 and the same was registered before the third respondent in document No.4 of 2023 on 02.01.2023.

2. Heard Mr.C.Ezhilarasu, learned counsel appearing on behalf of the petitioner and Mr.N.Dilipkumar, learned Standing Counsel appearing on behalf of the respondents 1 and 2 and Mr.J.Ashok, learned Additional Government Pleader appearing on behalf of the third respondent.



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3. In the facts disclosed before this Court, we are unable to entertain this writ petition. It is admitted that the writ petitioner earlier filed a writ petition in W.P.(MD)No.21575 of 2022 seeking for issuance of Writ of Mandamus directing the respondents to receive the balance amount of Rs.50,85,000/- based on the One Time Settlement dated 04.10.2021 arrived at between the petitioner and the respondents. It is admitted that the said writ petition was disposed of with certain directions. After recording the fact that the property was sold in auction, the petitioner was directed to make payments as per the schedule indicated in the order. It is now admitted before this Court that the petitioner had not complied with the order. Later, the petitioner appears to have challenged the order passed by the learned Chief Judicial Magistrate in the application filed under Section 14 of SARFAESI Act. The said writ petition was also dismissed as withdrawn and the petitioner has also made an attempt before the Debt Recovery Tribunal for filing an SARFAESI application S.A.No.419 of 2022. Now the petitioner has filed the above writ petition challenging the sale certificate dated 11.10.2022 stated to have been registered under Document No.4 of 2023 on 02.01.2023.



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4. In view of the sequence of events, this Court finds that the petitioner has not complied with the earlier directions and the sale as well as the sale certificate are not vitiated on any legal grounds, since the petitioner has committed default in payment as above and the petitioner has to blame himself.

5. In view of the subsequent developments and the fact that the petitioner had not complied with the directions earlier, the petitioner's explanation cannot now be considered in a writ petition challenging the sale certificate. It may be open to the petitioner to canvass/prosecute the SARFAESI application against the Section 14 order as well as the sale in the manner known to law. This Court finds no merit in this writ petition and accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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

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

The Sub Registrar (Registration),
Kannivadi,
Dindigul District.



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and
D.BHARATHA CHAKRAVARTHY, J.

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