



**W.P.(MD) No.21111 of 2023**

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

**DATED : 29.08.2023**

**CORAM:**

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
and  
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.(MD) No.21111 of 2023**

**and**

**W.M.P.(MD) No.17512 of 2023**

Sindhuja

... Petitioner

-VS-

The Authorized Officer  
Panjab National Bank  
SASTRA Center  
Circle Office Trichy  
PNB House  
Trichy, Thanjavur Road  
Kailasapuram, Trichy District

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the pursuant to the impugned E-auction sale notice issued by the respondent – Bank dated 02.08.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Suresh

For Respondent : Mr.C.Deepak, Standing Counsel



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**ORDER**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

We have heard Mr.R.Suresh, learned counsel appearing for the petitioner and Mr.C.Deepak, learned Standing Counsel, appearing for the respondent – Bank.

**2.** The petitioner is challenging the auction sale notice. The auction is scheduled to be held on 30.08.2023.

**3.** Learned counsel for the petitioner submits that the petitioner would deposit Rs.15,00,000/- (Rupees fifteen lakhs only) with the respondent – Bank.

**4.** We cannot comprehend the contention of the petitioner. Earlier also auction sale notice was issued by the respondent – Bank. Challenging the same, the petitioner filed W.P.(MD) No.15431 of 2023. The Division Bench of this Court, under order dated 27.06.2023, passed a conditional order, which reads thus:



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6. Considering the fact that the secured asset is a dwelling house, we feel it appropriate to give a chance to the petitioner to redeem her property. Therefore, the writ petition is disposed of with the following directions:

(i) The bank can proceed with the sale, but shall not confirm, if the petitioner pays a sum of Rs.25,41,000/- (Rupees Twenty Five Lakhs and Forty One Thousand Only), on or before 27.07.2023.

(ii) The remaining amount of Rs.40,00,000/- shall be paid in five equal monthly instalments commencing from 27th August, 2023 and each installment shall be paid on or before 27th day of every succeeding months.

(iii) The interest that accrues during the interregnum and the costs incurred by the respondent bank shall be paid along with the last instalment.

(iv) In the event of any default in payment of the money as directed above, the respondent bank can proceed to confirm the sale.



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**5.** The petitioner has not deposited the amount as directed by this Court.

**6.** One of the contentions of the learned counsel for the petitioner is that the copy of the order dated 27.06.2023 was made ready only on 02.08.2023. Even if the said contention is accepted, the petitioner was required to deposit the first instalment towards the balance amount of Rs.40,00,000/- by 27.08.2023. The amount due and payable as per the said order is Rs.65,40,838.15.

**7.** The petitioner would successfully evade the earlier e-auction notice by assuring the Court that she would be able to liquidate the debt, if sometime is given to her. This Court, accepting the contention of the petitioner, gave time to the petitioner of more than a month to deposit the due amount. However, the petitioner has not deposited the amount. The present sale notice is the second sale notice.

**8.** The earlier order was a conditional order. Passing an order contrary to it would be sitting in appeal over the order passed by the coordinate Bench and the same is not permissible.



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**9.** In the light of that, we are not inclined to entertain the writ petition. Moreover, the petitioner has an alternative remedy available. It is for the petitioner to take appropriate steps.

**10.** The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[S.V.G., .C.J.]**

**[C.K., J.]**

**29.08.2023**

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

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**THE HONOURABLE CHIEF JUSTICE**  
**and**  
**C.KUMARAPPAN, J.**

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