



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2023**

CORAM:

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

**W.P(MD)NO.23260 OF 2023
and
W.M.P(MD)Nos.10458 and 19462 of 2023**

G.Jayakumar

:Petitioner

.VS.

1.Canara Bank,
represented by its Authorized Officer,
Regional Office,
Big Bazar Building,
IInd Floor,
Tirunelveli – 627 007.

2.The Branch Manager,
Canara Bank,
Mulegumoodu Branch,
Kanyakumari District.

3.K.Sindhu

: 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 impugned E-auction sale notice issued by the first respondent, dated 23.08.2023 and the impugned E-auction sale notice published by the first respondent, dated 25.08.2023 in "The Hindu" newspaper in respect of item NO. 8 and to quash the same and consequently to direct the



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respondents 1 and 2 to collect the entire debt due of the third respondent in respect of the loan transaction which is the subject-matter of above sale proceedings from the Petitioner and not to hand over the title deeds to anyone till the disposal of O.S.No.184 of 2020, on the file of the Principal District Judge, Nagercoil.

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

ORDER

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

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned E-auction sale notice issued by the first respondent, dated 23.08.2023 and the impugned E-auction sale notice published by the first respondent, dated 25.08.2023 in "The Hindu" newspaper in respect of item No.8 and consequently to direct the respondents 1 and 2 to collect the entire debt due of the third respondent in respect of the loan transaction which is the subject-matter of above sale proceedings from the Petitioner and not to hand over the title deeds to anyone till the disposal of O.S.No.184 of 2020, on the file of the Principal District Judge, Nagercoil.



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

3.When the matter is taken up for hearing today, the learned counsel for the Petitioner would submit that the Petitioner is prepared to pay the entire dues to the respondents 1 and 2/Bank to redeem the mortgage.

4.The learned Standing Counsel appearing for the respondents 1 and 2/Bank has now stated that the sale notice which is impugned in the present Writ Petition, is withdrawn. Therefore, the prayer as sought for in the Writ Petition has become infructuous.

5.The Petitioner is only an agreement-holder challenging the sale notice. Therefore, it is open to him to approach the respondents 1 and 2/Bank to settle the entire dues on behalf of the principal borrower. However, any amount paid by the agreement holder shall be without prejudice to the rights and liabilities that are available to the principal borrower. It is to be noted that



respondents 1 and 2/Bank may also accept any payment made by the Petitioner, after due notice to the principal borrower.

6. With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R.,J.] [D.B.C,J.]
22.09.2023

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

vsn

To

1. The Authorized Officer,
Regional Office,
Canara Bank,
Big Bazar Building,
IInd Floor,
Tirunelveli – 627 007.

2. The Branch Manager,
Canara Bank,
Mulegumoodu Branch,
Kanyakumari District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)NO.23260 OF 2023

and

W.M.P(MD)Nos.10458 and
19462 of 2023

22.09.2023