



WEB COPY

W.P.No.15141 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HON'BLE MR.JUSTICE S.S.SUNDAR
and
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.15141 of 2024
and W.M.P.No.16467 of 2024

Santhosh Abraham

...Petitioner

VS.

The Authorized Officer,
Religare Finvest Ltd.,
7th Floor, Block 'A',
Max House,
Dr.Jha Marg, Lhkla Phase III,
Okhla Industrial Estate,
New Delhi – 110 020.

...Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned auction notice dated 16.05.2024 issued by the respondent proposing the e auction on 11.06.2024 for the schedule of property mentioned supra and quash the same as being illegal, improper and not in accordance with procedure contemplated in the Code.

For Petitioner : Mr.B.Sathish Sundar

ORDER

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

This writ petition is filed for issuance of Writ of Certiorari to

quash the impugned auction notice dated 16.05.2024 issued by the



respondent proposing the e auction on 11.06.2024 for the schedule mentioned property.

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2.From the records, this Court is able to see that the petitioner successfully dragged the sale proceedings for about three years even though demand notice under Section 13(2) was issued on 30.07.2021. The petitioner has challenged 13(2) notice issued by the Tribunal and it is submitted by the counsel for the petitioner that the said proceedings was dismissed for non prosecution.

3.It is admitted that pursuant to the sale notice dated 20.02.2024, the petitioner has filed a writ petition in W.P.No.9190 of 2024 and the said writ petition was disposed of with a liberty to the petitioner to approach the Debt Recovery Tribunal by filing an application under SARFAESI Act.

4.It appears that the auction notice in February 2024 was not followed by auction and therefore, the prayer of the petitioner has become infructuous. Again, the petitioner has challenged before this Court auction notice dated 16.05.2024 proposing to bring the property for auction on 11.06.2024 in respect of all the properties. Since the



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petitioner has taken substantial time, this Court is unable to appreciate the contentions of the petitioner that the petitioner's One Time Settlement offer ought to have been considered by the respondent Bank despite SARFAESI Application was filed by the petitioner even in 2021 before the Debt Recovery Tribunal on similar grounds, the SARFAESI Application was dismissed for non prosecution.

5. Therefore, prima facie this Court is not convinced with the bonafides or the contentions merits on which the petitioner projected his case to get an order in this writ petition. For the same and identical reasons stated before this Court earlier in a writ petition filed by the petitioner, the present writ petition is also liable to be dismissed. Therefore, leaving it open to the petitioner to approach the Debt Recovery Tribunal by filing SARFAESI Application to challenge the impugned sale proceedings, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R.,J.) (N.S.,J.)

10.06.2024

Index: yes/no
Speaking order: yes/no
Neutral Citation: yes/no
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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

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