



WP.No.16635/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.16635/2024 & WMP.No.18258/2024

Mr.K.S.Sunder

... Petitioner

Vs.

Bank of India
The Authorised Officer
Asset Recovery Department
Star House, 4th Floor, 30 [Old No.17]
Errabalu Street, Chennai 600 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus calling for the records of the impugned auction sale notice dated 06.06.2024 on the file of respondent Bank and quash the same and further direct the respondent Bank to consider the one time settlement request.

For Petitioner	: Mr.B.Prabhu Sudha
For Respondent	: M/s.S.Rachana for



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Mr.F.B.Benjamin George

ORDER

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

- (1)The present writ petition has been filed challenging the auction sale notice dated 06.06.2024 issued by the respondent/Bank.
- (2)From the facts narrated and found from the records that is available in the typed set of papers, this Court finds that the petitioner is challenging the fifth auction notice issued by the respondent/Bank.
- (3)The learned counsel for the respondent /Bank states that the petitioner is a chronic defaulter and the contention of the petitioner that he wish to settle the amount by way of One Time Settlement does not inspire confidence and there is no *bona fides* in any of his contentions.
- (4)This Court without going into the conduct of the petitioner or other facts that is projected by the respondent / Bank, is inclined to dismiss the writ petition in view of the remedy available to the petitioner by approaching the Debts Recovery Tribunal by filing a SARFAESI application.
- (5)Accordingly, this writ petition stands **dismissed**. However, liberty ts given to the petitioner to file an application under Section 17 of the



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SARFAESI Act. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
25.06.2024

AP

Internet : Yes

To
Bank of India
The Authorised Officer
Asset Recovery Department
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S.S. SUNDAR, J.,
and
N.SENTHILKUMAR, J.,

AP

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