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W.P.No.17193 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.17193 of 2024

and

W.M.P.No.18973 of 2024

1.K.Kasthuri

2.V.Shanthi

... Petitioners

Vs.

1.M/s.Bank of Baroda,
(Erstwhile Vijaya Bank),
Represented by its Authorized Officer,
Saidapet Branch,
AGS Towers, 1st Floor,
No.2, Abdul Razak 1st Street,
Saidapet, Chennai – 600 015.

2.M/s.Venus Exports,
Represented by its Partner,
K.K.Maheswaran,
D.No.77, 4th Street,
W Block, Near Rountana,
Anna Nagar, Chennai – 600 040.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent herein pursuant to the impugned sale notice vide BOB SARCHE: SALEINTIMATION: 2023-24, dated 30.03.2024 for the property bearing Old Door No. 23, New No. 54, Reddy Kuppam street, Mambalam Village, Mambalam Guindy Taluk, Chennai 600 015, to an extent of 2100 sq.ft comprised in Town survey No.140, Block No.34, within the Registration district of Chennai south and Registration Sub district of T-Nagar and to quash the same as illegal, consequently to direct the 1st Respondent to pursue with the fresh auction based on the petitioner's representation dated 28.05.2024 within a time period to be stipulated by this Court.

For Petitioner : Mr.V.Ramanareddy

For R1 : M/s.Revathi Manivannan

ORDER

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

What is challenged before this Court is the intimation given to the petitioner about the sale which had taken place on 18.03.2024 pursuant to auction.



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2.The petitioners state that they are not borrowers but guarantors for the loan advanced to the second respondent who is principal borrower. This property which was offered as collateral, is sought to be proceeded with.

3.In the impugned communication, it is mentioned that the respondent Bank has sold the property for a sum of Rs.2,06,30,000/- in the e-auction conducted on 18.03.2024. The petitioners have not challenged the sale as it is. Further, when it is informed to the petitioners that the property has been sold, a writ petition without impleading the auction purchaser is also not maintainable. Therefore, giving liberty to the petitioner to challenge the sale before the appropriate forum, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
02.07.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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