



W.P.No.39126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39126 of 2024 and
WMP No.42373 of 2024

S.Thangadurai

... Petitioner

Vs.

The Competent Authority/The District Revenue Officer,
The District Collector Office,
Salem 636 011.

... Respondent

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorified Mandamus, calling for the records pertaining to the Public Auction notice dated 06.12.2024 and the proceedings in Na.Ka.39442/2012 C5 signed dated 09.12.2024 both issued by the respondent and to quash the same and to direct the respondent to conduct the public auction, after fixing the present market price for the properties adopting all the rules and laws.

For Petitioner : Mr.V.T.Balaji

For Respondent : Mr.S.Balamurugan, Government Advocate



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ORDER

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The writ petitioner herein filed this writ petition challenging the auction notice issued by the respondents for auctioning the properties belonged to the petitioner company, under the provisions of Tamil Nadu Protection of Interests of Depositors Act.

2. The main grievance of the petitioner is that in the impugned auction notice, the respondent has not fixed any upset price in respect of the properties, which are brought for sale. It is the further case of the petitioner that, if the properties are auctioned, without fixing the upset price, it may not fetch sufficient price in the auction and ultimately the interest of the depositors will be defeated.

3. This Court, in similar case in W.P.No.31833 of 2024, dated 28.11.2023, has issued a direction to the competent authority to fix upset price for the properties and then go for auction. Therefore, this court is inclined to give the same direction in the present case also.



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4. Accordingly, considering the grievance expressed by the petitioner, the respondent is directed to fix upset price for the properties covered in the impugned auction notice and issue fresh auction notice, mentioning the upset price and proceed further.

5. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

19.12.2024

Index:Yes/No
Internet:Yes/No
mst

To

The Competent Authority/The District Revenue Officer,
The District Collector Office,
Salem 636 011.



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S.SOUNTHAR, J.

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