



W.P(MD)No.6414 of 2009

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.6414 of 2009
and
M.P(MD)No.2 of 2009**

M/s.TVS Finance and Service Limited,
(Formerly known as Harita Finance Limited),
Represented by its Authorised Signatory,
G.Saikumar,
Jayalakshmi Estate,
No.29, Haddows Road,
Chennai – 6.

... Petitioner

vs.

1.The Central Registrar,
Multi-State Co-operative Society,
Chennai.

2.The Repco Bank Limited,
Represented by its Sale Officer,
No.59, West Car Street,
First Floor,
Dindigul – 624 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, calling for the records of the
second respondent in their auction proceedings to be conducted on



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20.07.2009 at 10.00 a.m., so far as the petitioner's land in Survey Nos. 1624/6 and 1624/8 of extent 2.99 acres and 2.82 acres in Villupatti Village, Dindigul District is concerned and quash the same.

For Petitioner	: Mr.R.Murali
For Respondent No.1	: No appearance
For Respondent No.2	: Mr.K.Muthu Ganesa Pandian

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the impugned auction proceedings initiated by the second respondent Bank, the petitioner has filed the present Writ Petition.

2.As per impugned auction proceedings, the auction was scheduled to be conducted on 20.07.2009 at 10.00 a.m., insofar as the petitioner's land in Survey Nos.1624/6 and 1624/8 of extent 2.99 acres and 2.82 acres in Villupatti Village, Dindigul District is concerned.

3.When the matter came up for hearing on 17.07.2009, this Court had granted an order of interim stay.



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4.According to the petitioner, no further sale was conducted in the aforesaid proceedings.

5.The second respondent Bank has filed a counter-affidavit, dated Nil, January 2010 wherein it is stated that originally, the property belonged to one Sreenivasan and by virtue of power of attorney, the same was executed in favour of M/s.Maxworth Country (I) Limited. Subsequently, the said property was sold to the petitioner. Further, it is stated that M/s.Maxworth Country had mortgaged the property in question with the second respondent Bank by stating that the original parent documents were lost and advertisement in the newspaper and a police complaint was given in this regard. The said Company had concealed the mortgage executed in favour of the second respondent Bank and sold the said property to the petitioner.

6.On a careful perusal of the records, it is seen that the petitioner has not impleaded his vendor as a party in the present Writ Petition. Further, it is seen that the auction sale was scheduled to be conducted on 20.07.2009. However, by virtue of the interim order granted



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by this Court on 17.07.2009, no such auction proceeding was conducted on 20.07.2009 and the Writ Petition is pending from the year 2009.

7.In view of the above, we are of the view that at this point of time, no useful purpose would be served in keeping this Writ Petition pending. Taking into consideration the prayer sought for in the Writ Petition, if the stay is in effect and the petitioner is in possession of the said property, it is for the second respondent Bank to proceed in accordance with law under the SARFAESI Act and if any dispute has been raised by the Writ Petitioner, he is at liberty to approach the appropriate forum for redressing the grievance in the manner known to law.

8.With the above observations, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
04.01.2024

NCC : Yes / No
Index : Yes / No
ps



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ORDER MADE IN
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