



WEB COPY



W.P.(MD)No.1728 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.1728 of 2023

and

W.M.P.(MD)No.1552 of 2023

The Senior Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Trichy Divisional Office,
No.B/35, Shastri Road,
Trichy – 620 018.

: Petitioner

Vs.

1.The Authorised Officer,
Indian Overseas Bank,
R.O., Thanjavur.

2.The Branch Manager,
Indian Overseas Bank,
Sengipatti Branch,
Main Road, Sanurapatti,
Sengipatti – 613 402.
Thanjavur District.



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3.M/s.Mookambika Agencies,
Its Proprietor Mr.K.Gopalakrishnan,
(Now said to be deceased),
Trichy Thanjavur Main Road,
Sanoorapatti, Sengipatti Post,
Thanjavur.

4.Pushpa Gopalakrishnan

5.M.G.Binesh

6.Anish

7.G.Vijesh

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the impugned e-sale notice dated 28.12.2022 of the respondents 1 and 2 and subsequent notice under section 13(4)(d) of SARFAESI Act dated 02.01.2023 of the SARFAESI Act and quash the same as against loc.

For Petitioner : Mr.P.Venkatesan

For Respondents 1 & 2 : Mr.N.Dilip Kumar

Standing Counsel

O R D E R

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The petitioner seeks to quash the impugned e-sale notice dated 28.12.2022 of the respondents 1 and 2 and the subsequent notice under section 13(4)(d) of SARFAESI Act dated 02.01.2023.



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2.The learned Standing Counsel for the respondent Bank submitted that, on the date of auction there was only one bidder and he asked for an unrealistic amount. Therefore, the sale could not be materialised. Hence, the respondent Bank will explore the possibility of issuing fresh sale notice.

3.In view of the same, the prayer sought for in the present writ petition has become infructuous.

4.Accordingly, this Writ Petition stands dismissed as infructuous. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]

01.04.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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and
G.ARUL MURUGAN, J.

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ORDER MADE IN
W.P.(MD)No.1728 of 2023

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