



W.P(MD)No.5716 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

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

W.P(MD)No.5716 of 2024
and
W.M.P(MD)Nos.5402 and 5404 of 2024

Palpandiyan

... Petitioner

vs.

1.The Branch Manager,
Canara Bank,
Thevaram Branch,
Theni District.

2.The Block Educational Officer,
Uthamapalayam,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned reply letter, dated 28.12.2023, of the first respondent and quash the same as illegal and consequently direct the first respondent to consider the petitioner's representation, dated 27.12.2023.

For Petitioner	: Mr.S.Bharathi Kannan
For R-1	: Mr.V.Balasubramanian
For R-2	: Mr.D.Sadiq Raja, Additional Government Pleader



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ORDER

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

The petitioner has filed this writ petition to quash the impugned reply letter of first respondent, dated 28.12.2023 and to direct the first respondent to consider the petitioner's representation, dated 27.12.2023.

2. According to the petitioner, he has already approached the Debts Recovery Tribunal challenging the proceedings initiated under Section 13(4) of the SARFAESI Act, 2002, in S.A.No.10 of 2024. However, the petitioner could not comply with the conditional order passed by the Tribunal. Subsequently, sale notice was issued by the respondent – bank. Pursuant to the said sale notice, the property was sold to a third party and a sale certificate was also issued in the name of the auction purchaser. In the meantime, the petitioner sent a letter to the respondent – bank seeking time to settle the entire dues. In response, the first respondent has issued the impugned letter dated 28.12.2023 informing petitioner about the sale of the property. Aggrieved over the same, the petitioner has filed this writ petition with the aforesaid prayer.



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3. We have heard the learned counsel appearing on either side and perused the materials placed before us.

4. When the property was sold and a sale certificate was also issued in the name of the auction purchaser, the writ petition filed challenging the reply letter sent by the respondent – bank, is not at all maintainable and therefore, we have no hesitation to reject the prayer of the petitioner. As there is no merits in this writ petition, this writ petition is liable to be dismissed.

5. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

11.03.2024

NCC : Yes / No
Index : Yes / No
PM

To:

The Block Educational Officer,
Uthamapalayam,
Theni District.

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and
R.VIJAYAKUMAR,J.

PM

ORDER MADE IN
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