



W.P.(MD)No.5060 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.5060 of 2023

and

W.M.P.(MD)Nos.4747 and 4748 of 2023

S.Paulpandi

... Petitioner

-VS-

1.The Authorized Officer,
Tamilnad Mercantile Bank,
Madurai Simmakkal Branch,
No.28, Naicker New Street,
Sakthisivam Theatre Complex,
Simmakkal, Madurai-625 001.

2.Tamilnad Mercantile Bank,
Rep. by its Branch Manager,
Madurai Simmakkal Branch,
No.28, Naicker New Street,
Sakthisivam Theatre Complex,
Simmakkal, Madurai-625 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned sale notice dated 21.02.2023 of the 1st respondent bank in respect of the petitioner's property of an extent of 6 Acres 57 cents situate at S.No.280/3, 280/1A, B, 280/2A, E.B,C.D.H.F.G.I.L.M, 2804A, B in patta No.1378, present patta No.1490, Peraiyur SRO, Mathakarai Village, T.Kallupatti



W.P.(MD)No.5060 of 2023

Panchayat Union, Peraiyur Taluk, Madurai South RD, Madurai District and an extent of 54 cents of agricultural punja land in R.S.No.280/2J, 280/2K as per patta No.1378 in S.No.280/2 at Peraiyur SRO, Mathakarai Village, T.Kallupatti Panchayat Union, Peraiyur Taluk, Madurai South RD, Madurai District and quash the same.

For Petitioner : M/s.A.L.Gandhimathi,
For Mr.C.Mahadevan

For Respondents : Mr.T.Thevan,
For A.R.M. Ramesh

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The challenge in this writ petition is to the sale notice dated 21.02.2023, issued by the bank. By an order dated 09.03.2023, while staying the auction, we have required the petitioner to deposit the sum of Rs.10,00,000/- (Rupees Ten Lakhs only) before the date of auction, that is on 13.03.2023 and a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) on or before 30.03.2023.

2. The learned counsel for the bank would submit that the said conditional order has not been complied with in full. He would also add that the sale had not been taken place pursuant to the impugned notice. A subsequent sale notice was issued which was also challenged and again the stay was granted subject to certain conditions, the said conditional order was also not complied with and the property could not be sold even



W.P.(MD)No.5060 of 2023

in the second sale.

3. In view of the same, this writ petition is dismissed as having become infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

28.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Sml / Mrn



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W.P.(MD)No.5060 of 2023
R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml / Mrn

W.P.(MD)No.5060 of 2023

28.08.2024