



W.P(MD)No.25770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM :

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

**W.P(MD)No.25770 of 2024
and
W.M.P.(MD)No.21839 of 2024**

M/s.Cauvery Oils and Foods,
Prop. A.Sundaram,
No.32, 3rd Main Road,
Renga Nagar,
K.K. Nagar,
Trichy District.

... Petitioner

vs.

The Authorized Officer,
Rep. by its Chief Manager,
Bank of Baroda,
Salai Road Branch,
Trichy District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the sale notice dated 07.10.2024, issued by the respondent bank and quash the same.

For Petitioner : Mr.K.Sathish

For Respondent : Mr.Madhan Alexander



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ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

A sale notice was issued by the Bank on 22.12.2023, which was made subject matter of challenge in a Securitization Application in S.A.No.51 of 2024 before the Debts Recovery Tribunal. A conditional order was passed by the Debts Recovery Tribunal, requiring the petitioner to pay three installments of Rs.12,47,000/- each, commencing from 01.03.2024.

2. It is stated that all the three installments that were directed to be paid on 01.03.2024. 02.04.2024 and 02.05.2024, have been paid. Since the sale did not fructify, the Securitization Application in S.A.No.51 of 2024 was closed as infructuous. A second sale notice was issued with reference to another property belonging to the debtor on 04.06.2024. This was challenged in S.A.No.467 of 2024. The Debts Recovery Tribunal passed a conditional order, directing the petitioner to pay three installments of Rs.6,40,500/- each on 23.08.2024, 23.09.2024 and 23.10.2024. Admittedly, the said amount has not been paid as per the directions of the Debts Recovery Tribunal.

3. It is further stated that an application for extension of time was filed and the time for payment was extended up to 17.09.2024 by order dated



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27.08.2024. Even by the extended time, the first installment was not paid.

Therefore, the Bank had issued a third sale notice on 07.10.2024 with reference to the property that is covered by the first sale notice, dated 22.12.2023.

4. The learned counsel appearing for the petitioner would take exception to the third sale notice on the ground that the third sale notice has been issued in respect of the property covered by the notice, which is subject matter of challenge in S.A.No.51 of 2024 and the petitioner having complied with the conditional order made in S.A.No.51 of 2024, the Bank cannot bring that property for sale.

5. We are unable to agree with the said contention. We also find that the petitioner has already approached the Debts Recovery Tribunal and obtained favourable orders to enable him to liquidate the debt. Hence, this Writ Petition is dismissed, leaving it open to the petitioner to approach the Debts Recovery Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.M, J.) (L.V.G, J.)
25.10.2024

Index : No
Neutral Citation : No
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.25770 of 2024
DATED : 25.10.2024