



W.P(MD)No.31117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.31117 of 2023

and

W.M.P(MD)No.26670 of 2023

M.Menaga
M/s Om Sri Hallow Blocks & Cements
3/190A, Sholavandan Main Road,
K.Kuliyankulam,
Thirumangalam Taluk,
Madurai – 625 514.

... Petitioner

-Vs-

1.The Authorities Officer,
Indian Bank,
Zonal Officer,
Recovery and Legal Section,
No.100-101, East Avani Moola Street,
Madurai – 625 001.

2.The Branch Manager,
Indian Bank,
Madurai Main Branch,
Madurai.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the impugned order passed by the first respondent in his proceedings



W.P(MD)No.31117 of 2023

dated 06.12.2023, but mention the order past date of 27.01.2022 and quash the same as illegal and consequently direct the first respondent for confirmation of sales dated 29.10.2021.

For Petitioner : Mr.M.Ramachandran

For Respondents : Mr.C.Karthick

ORDER

This writ petition is filed challenging the impugned order passed by the first respondent dated 27.01.2022 and consequently seeking a direction to the first respondent for confirmation of sales dated 29.10.2021.

2.The case of the petitioner is that the petitioner has participated in e-auction dated 29.10.2021 and the respondents declared the petitioner as the highest bidder for 6 properties. The petitioner was ready to pay 75% of the amount for 6 properties, however, the respondents only admitted 4 properties and they have handed over the four properties to the petitioner without Court order. When the petitioner approached the respondents for remaining properties, they told that there are some legal issues on the remaining properties. The unknown persons occupied the auction sale of the property and locked the home without any Court order. The petitioner is



W.P(MD)No.31117 of 2023

waiting to pay 75% of the amount, however, the respondents issued the impugned order, wherein, it has been stated that even after lapse of 90 days, the petitioner has not remitted the remaining 75% of the bid amount till date. Hence, the amount paid by the petitioner for the bid stands forfeited. Challenging the same, the present writ petition is filed.

3. It is seen that the respondents have issued paper publication regarding sale of certain properties. The petitioner has also applied for e-auction and she has also purchased 6 properties. Out of them, sale certificates regarding two properties were not given till date. The fact remains that some persons occupied the said properties. As per sale confirmation letter, the petitioner has to pay 75% of the bid amount on or before 13.11.2021, however, she has not paid same till date. Though the petitioner asked extension for paying the 75% of the bid amount through letters, no more extension is granted. Further, in the sale confirmation letter, dated 29.10.2021, it has been clearly mentioned that in case the petitioner fails to deposit due amount by schedule dates, sale shall be cancelled and amount deposited by the petitioner related to this bid, shall be forfeited.



W.P(MD)No.31117 of 2023

WEB COPY

4. In the impugned order, the first respondent has categorically stated that the petitioner has failed to pay 75% of the bid amount even after lapse of 90 days and in the sale confirmation letter, dated 29.10.2021, it has also been clearly mentioned that in the event, the petitioner fails to deposit due amount by scheduled dates, the sale shall be cancelled and admittedly, the petitioner failed to pay the said amount to the respondent bank. Hence, this Court is of the view that the present writ petition is not maintainable.

5. Therefore, this Writ Petition fails and the same is **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2024

Index : Yes/No
Internet : Yes/No
skn



WEB COPY



W.P(MD)No.31117 of 2023

V.BHAVANI SUBBAROYAN, J.

skn

W.P(MD)No.31117 of 2023

and

W.M.P(MD)No.26670 of 2023

02.01.2024