



W.P.(MD)No.4664 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.4664 of 2025
and
W.M.P.(MD)No.3356 of 2025

M/s.Arueve Dairy and Foods Private Limited,
It's Director,
Ashok Kumar, M/44,
S/o.Selvaraj,
Residing at
No.2/54, Middle Street,
Kothapatti Post,
Andipatt, Theni District.

...Petitioner

-Vs-

The Authorized Officer,
Canara Bank, Periyakulam Branch,
Theni District.

...Respondent

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned sale notice dated 31.01.2025 issued by the respondent in Rotheni/SN/2024-25/644, which fixed auction sale on 26.02.2025 and quash the same as illegal.

For Petitioner : Mr.B.Senthilkumar
For Respondent : Mr.P.Madhan Alexandar



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ORDER

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(Order of the Court was made by **J.NISHA BANU, J.**)

This writ petition has been filed challenging the sale notice issued respondent Bank dated 31.01.2025.

2.The petitioner company availed loan from the respondent Bank. As there were some default, the respondent bank initiated proceedings under the SARFAESI Act and the sale notice was issued on 26.11.2024. Challenging the same, petitioner has approached the Debt Recovery Tribunal and obtained an order of stay of the auction sale on condition to pay 35% of the entire outstanding amount in three equal installments. The petitioner having failed to comply with the said conditions has approached this Court by way of this Writ Petition.

3.Perusal of the interim order granted by the Debt Recovery Tribunal shows that the petitioner was directed to pay 35% of entire outstanding due to the respondent Bank in three equal monthly installment. The first of such installment should be paid on or before 30.01.2025 and the second installment should be paid before 01.03.2025 and the final installment should be paid on or before 01.04.2025. The petitioner even as on today, has not paid any amount towards his loan amount.



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WEB COPY 4. Having failed to comply with the conditions imposed by the Debt Recovery Tribunal, the petitioner has approached this Court challenging the sale notice issued by the respondent bank. Hence, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
20.02.2025

Index : Yes/No
Internet : Yes/No
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To

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J. NISHA BANU,J.
and
S.SRIMATHY.J

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