



W.P.(MD) No.12677 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2025

CORAM:

**THE HONOURABLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P.(MD) No.12677 of 2023
and
W.M.P.(MD)Nos.10697 and 10698 of 2023**

S.Ramasutharsan,
S/o.Seethapathy Naidu,
No.46-47, Perumal North Car Street,
Mela Veeragahvapuram Village,
Tirunelveli - 627 001.

... Petitioner

-VS-

The Authorized Officer,
Indian Bank,
Tirunelveli Junction Branch,
Tirunelveli.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned Notice of Intended Sale under Rule 6 (2) and 8 (6) of the SARFAESI Act 2002 scheduling the auction sale on 29.05.2023 for recovery

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of sum of Rs.41,80,078/- through e-auction mode issued by the respondent dated 18.04.2023 and to quash the same as illegal and consequently, directing the respondent bank to give breathing time and accept part payment as indicated in the impugned sale notice dated 18.04.2023 and thereby reclassify the loan account as performing account.

For Petitioner : Mr.V.Balamurugan

For Respondent : Mr.R.Pandivel
Standing Counsel

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

While learned counsel for the petitioner prays for some time to seek instructions on whether the amount of Rs.10,00,000/- has been paid or not, learned Standing Counsel for the respondent submits that the petitioner did not deposit the said sum as directed by this Court on 25.05.2023. Thereafter, the property was put to auction on more than one occasion and was finally sold successfully in the auction.

2. Learned counsel for the petitioner is not in a position to dispute the factual averments made by learned Standing Counsel for the respondent.



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3. We find that although the petitioner had an alternate remedy, this Court granted indulgence in view of the petitioner's *bona fide* attempt to resolve the dispute. On the condition of payment of Rs.10,00,000/-, interim protection was granted to the petitioner on 25.05.2023.

4. However, the petitioner has not deposited any amount. Moreover, as informed by learned Standing Counsel for the respondent, the sale of the property by way of auction for recovery of the loan has not been challenged by the petitioner.

5. In view of the above, this petition is liable to be dismissed and is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[MANINDRA MOHAN SHRIVASTAVA, C.J.] [R.POORNIMA, J.]

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NCC : Yes / No
Index : Yes / No

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