



W.P.(MD) No.9660 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

W.P.(MD) No.9660 of 2023

and

W.M.P.(MD) Nos.8551 & 8552 of 2023

V.Mathivanan

... Petitioner

-VS-

1.The Chief Judicial Magistrate
Karur

2.M/s.Indian Overseas Bank
Thirukattuthurai Branch
D.No.118, S.F.No.100A
Kodumudi Main Road
Nadaiyanoor Post
Karur District-639 117
rep.by its Authorised Officer
Chief Manager K.Awath Raman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records cumulating into the order dated 03.08.2022 in C.M.P.No.582 of 2022, passed under Section 14 of the



W.P.(MD) No.9660 of 2023

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), by the first respondent and set aside the same as illegal.

For Petitioner : Mr.N.Sundaresan

For Respondents : Mr.N.Dilip Kumar for R2

ORDER

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

V.Mathivanan, son of M.Veerappan, has filed this writ petition, under Article 226 of the Constitution of India, challenging the order dated 03.08.2022, passed in C.M.P.No.582 of 2022, by the learned Chief Judicial Magistrate, Karur, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. According to the petitioner / borrower, challenging the sale notice dated 03.08.2022, issued by the respondent - Bank, he filed S.A.No.909 of 2022, before the Debts Recovery Tribunal, Coimbatore, wherein a conditional order was passed, on 21.11.2022, directing him to pay a sum of



W.P.(MD) No.9660 of 2023

Rs.35,29,429.57 and directing the parties to maintain *status quo*. The petitioner / borrower has also complied with the said conditional order. However, the respondent – Bank is attempting to take physical possession of the secured asset, which is a residential house.

3. Learned counsel appearing for the respondent – Bank submitted that in view of the fact that sale was conducted as early as on 25.08.2022 and it was confirmed on 01.09.2022 and the sale certificate was also registered on 18.10.2022, the right of redemption stands extinguished.

4. Be that as it may, since the matter is seized of by the Debts Recovery Tribunal, Coimbatore, we direct the petitioner to approach the Debts Recovery Tribunal, Coimbatore, for redressal of his grievance.

5. In view of the peculiar facts and circumstances involved in this matter, we direct the Debts Recovery Tribunal, Coimbatore, to dispose of S.A.No.909 of 2022, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.



WEB COPY

W.P.(MD) No.9660 of 2023

6. The writ is disposed of with the above directions. No costs.

Consequently, connected miscellaneous petitions are closed.

[T.R., A.C.J.] [R.S.M., J.]

26.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:
The Chief Judicial Magistrate,
Karur.



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W.P.(MD) No.9660 of 2023

T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

krk

W.P.(MD) No.9660 of 2023
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W.M.P.(MD) Nos.8551 & 8552 of 2023

26.04.2023