



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

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THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP.No.14079 of 2026
and
WMP.Nos.15315, 15316 & 15319 of 2026

Kumara Ravikumar
Periyathottam,
D.No.14, Thanthai Periyar Nagar,
Varadhampalayam, Sathyamangalam,
Erode District - 638 401.

..Petitioner

Vs

1. The Recovery Officer-1,
Debt Recovery Tribunal,
Coimbatore, 2nd and 3rd Floor,
No.27, T.B.Road, Jawans Bhawan,
Coimbatore - 641 018.
2. M/s.Indian Overseas Bank,
Rep. by its Branch Manager,
Sathyamangalam Branch, Sathyamangalam,
Erode District - 638 401.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the E-Auction Sale Proclamation Notice issued by the 1st respondent vide Recovery Proceedings (R.P.) No.174/2019 in TRC No.267/2019 (formerly R.P.No.307/2017 in DRC No.293/2017 in O.A.No.30/2013 on the file of the Debts Recovery Tribunal, Madurai, dated 21.02.2026 and quash the same as illegal, arbitrary and unsustainable in law.



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For Petitioner: Mr.Kumara Ravikumar (Party-in-Person)

For Respondents: Mr.E.Om Prakash
Senior Counsel
for Mrs.V.Rajeshwari for R2

ORDER

(Order of the Court was made by G.ARUL MURUGAN,J.)

The writ petition is filed by the borrower/judgment debtor challenging the e-auction sale proclamation notice issued by the first respondent/Recovery Officer vide recovery proceedings dated 21.02.2026 in R.P.No.174/2019 in TRC.No.267/2019 in O.A.No.30/2013, on the file of Debts Recovery Tribunal, Madurai (DRT).

2. From the record of proceedings, it is noted that this Court, by order dated 09.04.2026, based on the submission made by the learned Senior Counsel who appeared for the petitioner, that according to the petitioner, only a sum of Rs.47 lakhs was due and he is prepared to pay the amount in two instalments, had passed the following order:

"3. As a first instalment, immediately the petitioner would pay a sum of Rs. 28 Lakhs on or before 16.04.2026 and the remaining amount of Rs.19 Lakhs would be paid within a period of thirty days thereafter.

4. Recording the said submission, the following orders are passed:

(i) that the petitioner shall deposit a sum of Rs.28 Lakhs to the respondent Bank / secured creditor on or before 16.04.2026 without fail. Thereafter, within thirty days, remaining amount



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of Rs.19 Lakhs shall be paid without any further delay or seeking extension of time.

(ii) On this condition, there shall be an interim order of stay of the impugned E-auction sale proclamation notice.

(iii) It is made clear that if the petitioner is not complied with the said condition, it is open to the respondent / secured creditor to proceed with the impugned order."

3. Today, when the matter is taken up for hearing, the counsel who had appeared earlier submitted that he had revoked his vakalat and the petitioner appears as party-in-person.

4. The petitioner-in-person submits that in compliance of the order passed by this Court, he had deposited a sum of Rs.28 lakhs and also the remaining sum of Rs.19 lakhs within the dates stipulated by this Court. He further submits that *de hors* payment of these amounts, auction proceeded in breach of the order of this Court, and the auction proceedings, therefore, need to be set-aside and his interest is required to be safeguarded.

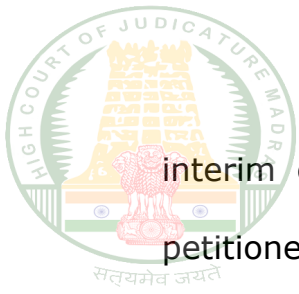
5. Learned Senior Counsel appearing for the second respondent/ Bank submitted that the Bank had filed a suit before the DRT as early as in the year 2013 and final order was passed on 28.11.2017 by directing the petitioner to pay a sum of Rs.29,44,916/-, with interest. The petitioner had taken steps to set-aside this ex-parte decree, but, however, the same was not pursued further and the decree had attained



finality. Learned Senior Counsel further submits that to execute the decree, the first respondent/Recovery Officer had initiated proceedings under Schedule-II of the Income Tax Act, pursuant to which, the sale proclamation notice came to be issued. Even though the petitioner had filed the writ petition and obtained an interim order, the same was not communicated to the Bank or the Recovery Officer and, therefore, the auction sale was proceeded and now the property has been sold in favour of the successful bidder. He submits that as on date, the dues payable to the Bank amounted to Rs.3.19 Crores and, thus, the auction proceedings need not be interfered with, as the very writ petition filed itself is not maintainable, since the petitioner is having an effective alternative remedy before the DRT to challenge the said order, and seeks for dismissal of the writ petition.

6. Heard the rival contentions and considered the materials available on record.

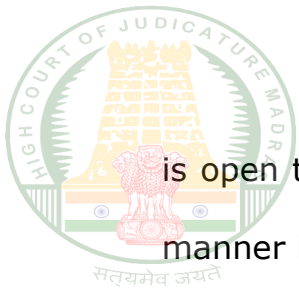
7. Before advertng to the merits of the case, it is to be noted that the proclamation sale notice came to be issued by the first respondent/ Recovery Officer to execute the decree passed by the DRT in O.A No.30 of 2013. When the impugned notice was put to challenge, this Court had entertained the writ petition and passed the interim order, extracted herein above. Though a dispute is raised regarding the communication of the interim order passed by this Court, still the fact remains that the



interim order has been passed and it is also not in dispute that the petitioner had, in compliance of the interim order, paid both the instalments within the specified dates and the second respondent/Bank had also duly received the payments from the petitioner.

8. When the interim order has been complied with and the Bank had also received the payments, we are of the considered opinion that the sale, even though had taken place, is in gross violation of the interim order passed by this Court, and any sale conducted, while the interim order was subsisting, cannot be allowed to sustain, and on that ground alone, we are inclined to set aside the sale conducted by the first respondent/Recovery Officer.

9. The petitioner-in-person submits that he is only liable to the amount which was projected before this Court and the said statement is strongly disputed by the learned Senior Counsel for the second respondent Bank, as the arrears payable by the petitioner towards the decree is to a tune of Rs.3.19 Crores. It is also not in dispute that the decree passed by the DRT, as on date, has not been assailed by the petitioner before the Debt Recovery Appellate Tribunal under Section 20 of the Recovery of Debts and Bankruptcy (RDB) Act, 1993. When a decree has been passed, the petitioner cannot be allowed to make any submission disputing the dues, in contravention or against the decree. If at all the petitioner wants to dispute the decree or dispute the amount, it



is open to him to pursue the same, by filing an appropriate appeal in the manner known to law.

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10. The sale conducted by the first respondent/Recovery Officer is set aside only on the ground that the auction was conducted while the interim order was in subsistence. The petitioner-in-person agrees that the amount paid by him based on the interim orders in this writ petition, could be adjusted by the Bank towards the loan account. In that event, it is open to the petitioner to take further recourse in the manner known to law, by filing an appropriate appeal before the competent forum, subject to limitation, or approach the Bank to settle the entire dues payable to it. The Bank and the Recovery Officer would be at liberty to take further proceedings in execution of the decree, if the petitioner does not prefer any appeal, or obtain any orders suspending the decree passed by the DRT or settle the dues with the second respondent/Bank within a period of one month.

11. With the above observations and directions, the writ petition stands partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN, J.)
17-07-2026

Index: Yes/No
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