

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No. 28535 of 2015

Kavimaheswari

Petitioner

Vs.

1. The Authorised Officer,
M/s. Bank of Baroda,
SME Branch,
Door No.323, N.P.Complex,
Avinashi Road, Tiruppur.

2. Muthusamy

3. Thangaraj

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records pertaining to the public auction sale notice dated 31.07.2015 issued by the first respondent and consequently quash the same.

For petitioner Mr.K.S. Kaviarasu

ORDER

(Order of the was delivered by SATISH K. AGNIHOTRI, J.)

Questioning the legality and validity of the public auction sale notice dated 31.07.2015, the petitioner has filed this writ petition inter alia contending that the property in question is an agricultural land.

2. The case of the petitioner is that the auction is to be held today i.e. on 10.09.2015 at 2.00 p.m. As projected by the petitioner, questioning the correctness of the same public auction sale notice, the petitioner has already preferred an application

under the provisions of Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short "the SARFAESI Act") in S.A.No. 169 of 2015 before the Debts Recovery Tribunal, Coimbatore, (for short 'The Tribunal') which is pending consideration. The said application was to be listed on 08.09.2015. The petitioner is not aware of the outcome of the hearing. During the pendency of the said application, the petitioner has preferred the instant writ petition on 07.09.2015 seeking the same relief, as pending consideration before the Tribunal.

3. In view of the proceedings pending before the Tribunal, there is no reason to entertain this writ petition, at this stage and the writ petition is accordingly dismissed. However, if a request is made by the petitioner in the pending application before the Tribunal, the Tribunal is directed to consider and decide the same at the earliest. No costs. Connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

ra

To

The Authorised Officer,
M/s. Bank of Baroda,
SME Branch,
Door No.323, N.P.Complex,
Avinashi Road, Tiruppur.

1 cc to Mr.K.Vignesh Karthick , Advocate Sr.No.49199/15

W.P. No. 28535 of 2015

vs (co)
pmk.5.10.2015

WEB COPY