

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.7252 of 2016 and W.M.P. Nos.6456 and 6457 of 2016

M/s.Venkateswara Estates
represented by its Partner
Ganesh Murthy
S/o V. Jayakannan
66, Sattannan Street
Choolai
Chennai 600 112

Petitioner

Vs.

1 The Recovery Officer
Debts Recovery Tribunal-II
IV Floor, Dewa Towers
770-A Anna Salai
Chennai 600 002

2 Bank of Baroda
Madras Main Office
28 Rajaji Salai
Chennai 600 001

3 R. Sellamuthu

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the first respondent relating to the impugned e-auction proclamation of notice bearing DRC No.78/2003 dated 27.01.2016, quash the same and direct the first respondent not to proceed further, till the pendency of A.I.R. No.5 of 2011 filed by the petitioner on the file of the DRAT, Chennai.

For petitioner :Mr. I. Abrar Md. Abdulla

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

This writ petition is filed challenging the e-auction sale notice dated 27 January 2016 issued by the first respondent, viz., Debts Recovery Tribunal-II, Chennai and further, for a direction to the Tribunal not to proceed further, till the pendency of A.I.R. No.5 of 2011 preferred by the petitioner on the file of the Debts Recovery Appellate Tribunal, Chennai (for brevity "the Appellate Tribunal").

2 The learned counsel for the petitioner submits that the petitioner has filed an Interlocutory Application being I.A. No.12 of 2011 in A.I.R. No.5 of 2011 before the Appellate Tribunal, seeking stay of further proceedings of the aforesated e-auction sale notice. In the meantime, the second respondent bank is proceeding with the auction of the secured asset. It is further submitted that despite urgency, as aforesated, the Appellate Tribunal is not considering the Interlocutory Application expeditiously.

3 In such view of the matter, without expressing any opinion on the merits of the case, we direct the Appellate Tribunal to consider the petitioner's Interlocutory Application on its own merits and in accordance with law, as early as possible, preferably, within a period of one week. It is made clear that if the auction is proceeded with in the meantime, the same will be subject to final orders to be passed by the Appellate Tribunal.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

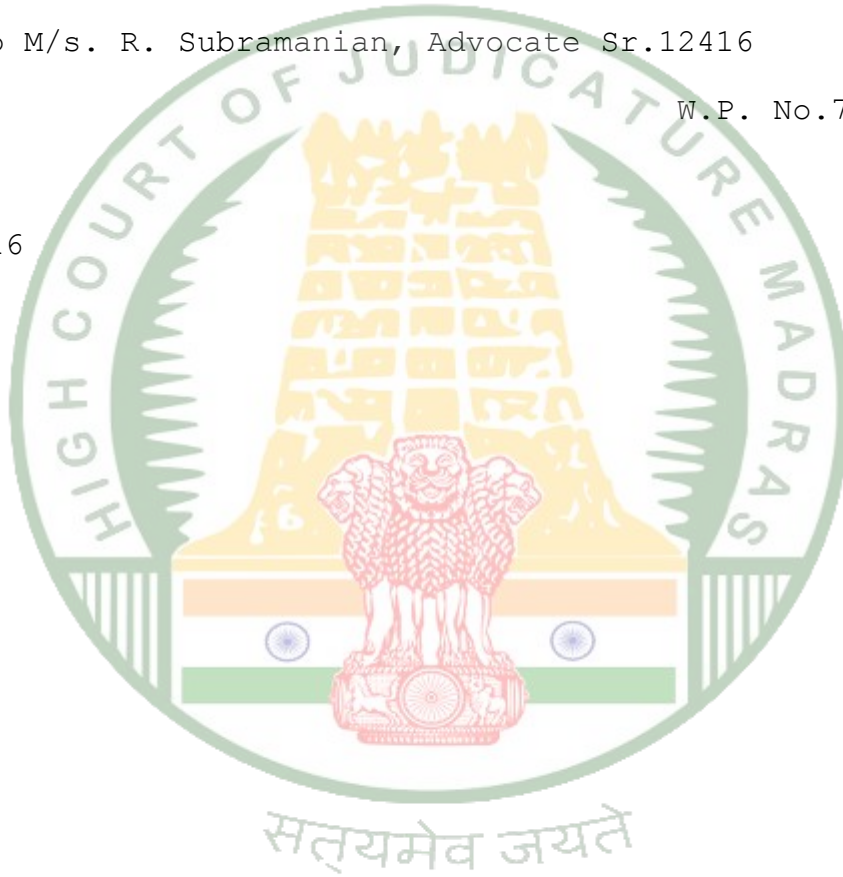
1 The Recovery Officer
Debts Recovery Tribunal-II
IV Floor, Dewa Towers
770-A Anna Salai
Chennai 600 002

2 The Debts Recovery Appellate Tribunal
Chennai

+ 1 cc to M/s. R. Subramanian, Advocate Sr.12416

W.P. No.7252 of 2016

RSK(CO)
EU 16.03.16



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