

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2016

CORAM:

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

W.P. No. 9217 of 2016 and W.M.P. No.8197 of 2016

P.V. Sathyanarayanan

Petitioner

Vs.

1 The Authorised Officer
Indian Overseas Bank
Anna Nagar East, I-28
First Avenue, Chennai 600 102

2 The Registrar
Debts Recovery Tribunal II
Dewa Towers, IV Floor
Anna Salai, Chennai 600 002

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the proceedings dated 11.12.2015 in S.A. No.129/2015 on the file of the second respondent and the issuance of the impugned auction sale notice dated 24.02.2016 by the first respondent and to quash the same.

For petitioner Mr. Ar.L. Sundaresan, Sr. Counsel
for Mrs. S. Anuradha Balaji

For R1 Mr. F.B. Benjamin George
R2 Tribunal

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. F.B. Benjamin George, learned Standing Counsel, accepts notice for the first respondent bank.

2 This writ petition is filed challenging the proceedings dated 11 December 2015 in S.A. No.129 of 2015 on the file of the Debts Recovery Tribunal, -II, Chennai (for brevity "the Tribunal") and the auction sale notice dated 24 February 2016 issued by the first respondent bank.

3 During the pendency of the dispute qua the secured asset which is stated to be auctioned under the impugned notice of sale of immovable secured assets issued under Rule 8 (5) and 9(1) of the Security Interest (Enforcement) Rules, 2002, the petitioner has come up with the instant writ petition, seeking the aforesaid relief, on the ground that the entire amount, as per the interim order, has been paid.

4 On a perusal of the records placed before us, it is noticed that the SARFAESI Application pending before the Tribunal is coming up for hearing on 15 March 2016 and the proposed date of auction is 28 March 2016. In such view of the matter, when the issue is pending consideration before the appropriate statutory authority, it is not proper for this Court to intervene and take a decision on the merits of the case. Thus, we are not inclined to entertain this writ petition.

5 Accordingly, this writ petition is dismissed. However, we direct the Tribunal to consider interim application, if any, pending SARFAESI Application, which is listed on 15 March 2016 and take a final decision before the proposed date of auction. The petitioner is at liberty to raise all the factual and legal issues before the Tribunal, if so advised. Costs made easy. Connected W.M.P. is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

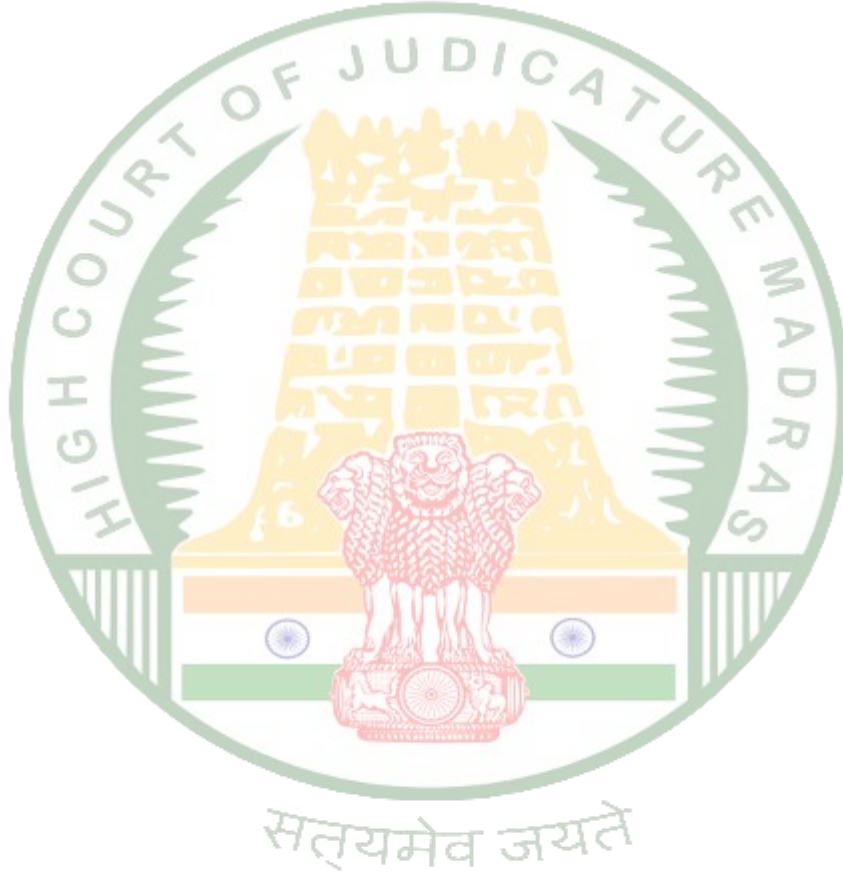
To

- 1 The Authorised Officer, Indian Overseas Bank
Anna Nagar East, I-28
First Avenue, Chennai 600 102
- 2 The Registrar
Debts Recovery Tribunal II
Dewa Towers, IV Floor
Anna Salai, Chennai 600 002

+3 ccs to M/S.S.Anuradha Balaji Advocate sr.15881
& 15641
+1 cc to Mr.F.B.Benjamin George Advocate sr.15895

W.P. No.9217 of 2016

rsy(co)
aa14/03/2016



WEB COPY