

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/11/2017

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28339 of 2017

B.Boopathi Kannan ... Petitioner

Vs

1. The Authorised Officer  
M/s. Edleweiss Housing Finance Ltd  
No.229, ITI Centre, III Floor  
Sir Shanmugham Salai  
R.S.Puram  
Coimbatore 2.
2. M/s. Edleweiss Housing Finance Ltd  
rep. by the Manager  
No.229, ITI Centre, III Floor  
Sir Shanmugham Salai  
R.S.Puram  
Coimbatore 2.
3. Mr.Su.Alagappan
4. Mrs.Sasikala
5. The Registrar  
Debt Recovery Tribunal  
Coimbatore. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the fifth respondent to receive and number the petition filed for condoning the delay in filing the application under Section 17 (1) of SARFAESI Act, which was returned on 24/10/2017.

For petitioners ... Mr.R.Amardeep

O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

Before the Debt Recovery Tribunal, Coimbatore, borrowers have filed SARFAESI application, under Section 17 (1) of the SARFAESI Act, 2002, challenging sale notice dated 3/6/2017, but with a delay of 61 days. Registry of the Tribunal has returned the papers by making the following endorsement

"Petition for condoning delay in filing SARFAESI Application cannot be taken up as SARFAESI Act being a special act and time stipulated for filing application under Section 17 (1) of the Act is within 45 days."

2. Being aggrieved, borrowers have filed the instant writ petition for a writ of mandamus, to direct the fifth respondent to receive and number the petition filed, for condoning the delay, in filing the application, under Section 17 (1) of SARFAESI Act, which was returned on 24/10/2017.

3. After filing the writ petition, submission seemed to have been made, before the Debt Recovery Tribunal, to entertain SARFAESI application, filed under Section 17 (1) of the Act. Learned counsel for the petitioner submitted that on the above said submission, Tribunal has assigned number to condone delay application.

4. In view of the above, learned counsel for the petitioner seeks for disposal of the writ petition.

5. Recording the same, writ petition is disposed of. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

mvs.

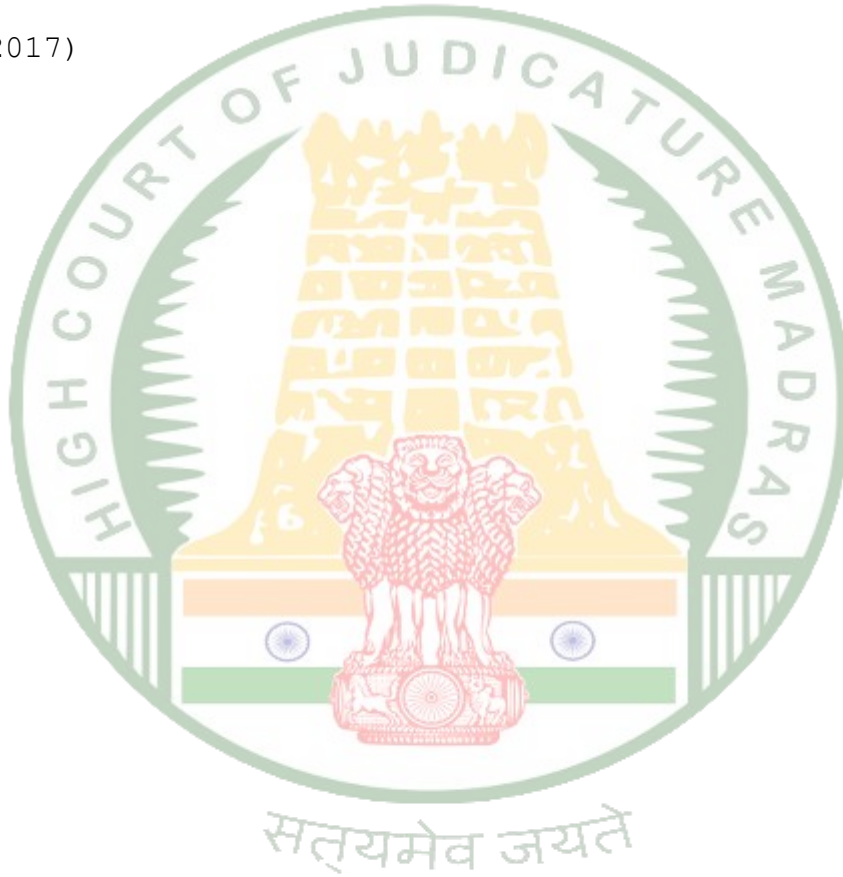
To

1. The Registrar  
Debt Recovery Tribunal  
Coimbatore.

+1cc to Mr.TAMIZH LAW FIRM, Advocate, S.R.No. 82997

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SK (CO)  
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