



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.20832 of 2015

and

M.P. (MD) Nos.1 & 2 of 2015

Selvarani

... Petitioner

-vs-

1. The Recovery Officer
Debt Recovery Tribunal
Madurai

2. The Authorized Officer
Punjab National Bank
C-21, 80 Feet Road
Anna Nagar, Madurai-20

3. N.S.Krishnakumar
Proprietor of M/s.Vigneshwara Agencies
196, Kamarajar Salai, Madurai-1

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the sale notice issued by the first respondent as published in Dhina Thanthi, dated 15.10.2015 in R.P.No.88 of 2012 in DRC No.75 of 2012 and quash the same and further direct the respondents 1 and 2 not to proceed with the sale of the said petitioner's property.

For Petitioner : Mr.S.Natarajan
For Respondents : Mr.V.Balaji for R2
No appearance for R1 and R3

O R D E R(Order of the Court by **T.S.SIVAGNANAM, J.,**)

Heard Mr.S.Natarajan, learned counsel appearing for the petitioner and Mr.V.Balaji, learned counsel appearing for the first respondent and carefully perused the materials placed on



2. This writ petition has been filed in the year 2015 challenging the sale notice on the ground that fraud has been played on the petitioner by the third respondent borrower.

3. At the time when the writ petition was entertained, no interim order was granted.

4. The learned Standing Counsel appearing for the second respondent Bank submitted that the sale deed did not fructify.

5. On perusal, we find that the impugned sale notice is a consequence of the order, dated 31.08.2012, made in T.A.No.324 of 2007, by the Debts Recovery Tribunal at Madurai. The petitioner, who is shown as second defendant therein, was represented by counsel and very same contentions as raised in this writ petition were raised before the Debts Recovery Tribunal and the Debts Recovery Tribunal considered the same and rejected the contentions of the petitioner and directed sale of the property.

6. Admittedly, the petitioner did not prefer any appeal as against the said order passed by the Debts Recovery Tribunal. Therefore, the petitioner cannot challenge the consequential sale notification. Hence, for all the above reasons, we are of the view that no relief can be granted in this writ petition and the same is, therefore, liable to be dismissed.

7. In the result, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Recovery Officer
Debt Recovery Tribunal, Madurai
2. The Authorized Officer
Punjab National Bank
C-21, 80 Feet Road
Anna Nagar, Madurai-20

+1 cc to Mr.S.Natarajan, Advocate, SR.No. 51952

+1 cc to M/s.Vast Law Associates , Advocate, SR.No. 51577

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