



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(MD) No.1788 of 2017
and
W.M.P.(MD) . No.1475, 1476 & 3514 of 2017

M.S.Palanivel

... Petitioner

-vs-

1.The Authorised Officer
State Bank of India
Stressed Assets Management Branch
No.1112, Raja Plaza, Avinashi Road
Coimbatore - 641 037.

2.The Debts Recovery Tribunal
IV, Floor, Kalyani Tower
Melur Road, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the first respondent pertaining to the "E" Auction Sale Notice of the first respondent dated 19.01.2017 bearing No.SAMB/CBE/CLO-II/2165 and quash the same and consequently direct the second respondent to dispose of the application in I.A.No.153 of 2017 in O.A.No.442 of 2016.

For Petitioner : Mr.S.Suresh
for M/s.Aiyar & Dolia

For Respondents : Mr.T.A.Om Prakash, Senior Counsel
for Mr.V.Meenakshi Sundaram for R1
No Appearance for R2

O R D E R

(Order of the Court by T.S.SIVAGNANAM, J.,)

Heard the learned counsels appearing for the parties and carefully perused the materials placed on record.

2. This writ petition is filed challenging the "E" Auction Sale Notice, dated 19.01.2017, issued by the first respondent.

3. Admittedly, the date of auction had been fixed to 06.02.2017. However, on account of the interim order, the auction did not take place. Therefore, as on date nothing further survives for adjudication in this matter and it is always open to the



petitioner to raise all issues before the appropriate forum as and when fresh E Auction Sale Notice is issued. Reserving such liberty, the first limb of the prayer sought for by the petitioner is held to be infructuous.

4. The learned senior counsel appearing for the respondent - Bank submitted that in the application, in I.A.No.153 of 2017 in O.A.No.442 of 2016, pending before the second respondent, the first respondent - Bank has filed counter affidavit and they are ready for argument. However, on account of bifurcation of the jurisdiction, there is every likelihood of the matter to be transferred to the file of the Debts Recovery Tribunal, Coimbatore. We do not express any opinion on the same and it is left open to the second respondent to proceed with the matter further.

5. The second limb of the prayer sought for by the petitioner is to direct the second respondent to dispose of the application in I.A.No.153 of 2017 in O.A.No.442 of 2016. It is not known as to why the petitioner seeks for such a specific direction as we are informed that the Tribunal is having regular sitting and the cases are being dealt with expeditiously. Therefore, we reserve the liberty of the petitioner to move the second respondent for earlier hearing of the matter, if he is so advised.

6. The writ petition is disposed of with the above observations. The interim order of stay already granted is hereby vacated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

1.The Authorised Officer, State Bank of India
Stressed Assets Management Branch, No.1112, Raja Plaza,
Avinashi Road, Coimbatore - 641 037.

2.The Debts Recovery Tribunal, IV, Floor, Kalyani Tower
Melur Road, Madurai.

+1CC to M/S.K.Balasubramani, Advocate, SR.No. 53866

+1CC to M/S.V.Meenakshi Sundaram, Advocate, SR.No. 53712

W.P.(MD) No.1788 of 2017
and

W.MP(MD).No.1475, 1476 & 3514 of 2017
24.04.2017