

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI**

Writ Appeal No.1187 of 2005

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by the petitioner in W.P.No.724 of 2005 aggrieved by the order passed by the Learned Single Judge on 10.06.2005. The appellant-writ petitioner sought a mandamus to declare the action of the 1st respondent, in issuing notice dated 12.08.2004 under Section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") and in subjecting the property to sale, as illegal and arbitrary.

In the order under appeal, the Learned Single Judge observed that the sale was already conducted on 18.01.2005; the 2nd respondent was the highest bidder, and had paid the entire bid amount; the sale certificate was also issued on 28.01.2005; the appellant-writ petitioner's claim that there was no wide publicity of the sale proclamation, and the material particulars of the mortgaged property were not submitted, was denied by the respondents; they had contended that the sale notice was published in two local dailies publishing all the relevant particulars as required under Rule 9; nothing was placed before the Court by the appellant-writ petitioner to contradict the stand taken by the 1st respondent; the contention that parallel proceedings cannot be pursued, both under the SARFAESI Act and before the Debt Recovery Tribunal, did not merit acceptance; and the writ petition, as filed, was devoid of merits.

When the matter was carried in appeal, the Division Bench, in its order in W.A.M.P.No.2165 of 2005 dated 27.06.2005, observed that, since the property had already been sold and handed over to the

purchaser, no order could be passed in the WAMP. The WAMP was, accordingly, dismissed.

The subject property was sold as early as on 18.01.2005, more than 12 years ago. The contentions, urged by the appellant-writ petitioner before the Learned Single Judge, were rightly rejected for the reasons stated therein and as noted hereinabove. We see no reason, therefore, to interfere with the order under appeal, as we are satisfied that the said order does not suffer from any infirmity much less a patent illegality.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

22nd June, 2017
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Date: 22.06.2017

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