

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.24442 of 2018
and W.M.P.No.28483 of 2018

M/s.Sri Devi Hospital,
rep.by its Sole Proprietor,
Dr.K.Senthil Nathan,
No.1620A, 16th Main Road,
Anna Nagar, Chennai-600 040. ... Petitioner

-vs-

- 1.Asset Reconstruction Company India Limited
rep.by its Authorised Representative and Assistant
Vice President, Mr.Hrishikesh Panse,
The Ruby, 10th Floor, No.29, Senapathi Bapat Marg,
Dadar (W), Mumbai-400 028.
- 2.M/s.Aircil-SBPS-008-I Trust,
represented by its Managing Trustee,
"The Ruby", 10th Floor,
No.29, Senapathi Bapat Marg,
Dadar (W), Mumbai-400 028.
- 3.Indian Overseas Bank,
Arumbakkam Branch,
Chennai-600 106. ... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the first respondent vide its impugned sale notice BGII/ AK/FY 19/1580 dated 03.09.2018 fixing auction of the property in the annexure-I of the notice on 25.09.2018 at 3.00 P.M and to quash the same and forbearing the respondents from proceeding further pursuant to their notice 25.09.2018 by conducting E-Auction either on or any other subsequent dates.

For Petitioner :: Mr.S.Sundaresan

For Respondents:: Mr.A.Ramasamy for R1 and R2

ORDER

(Made by HULUVADI G.RAMESH, J.)

This writ petition has been filed to quash the sale notice 03.09.2018 issued by the first respondent fixing auction of the petitioner's property.

2.Mr.A.Ramasamy, learned counsel, took notice for the first and second respondents.

3.Upon perusal of the papers, we find that the property that is going to be auctioned, is situated in Bangalore. Hence, the petitioner has to approach the Debts Recovery Tribunal, Bangalore or any other appropriate forum having jurisdiction. But he has straightaway approached this Court without approaching the appropriate authority. Hence, we are not inclined to entertain this writ petition and accordingly, the writ petition is dismissed as not maintainable, for lack of jurisdiction. No costs. Consequently the connected miscellaneous petition is closed. It is for the petitioner to raise all contentions before the appropriate authority having jurisdiction.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KM

To

Indian Overseas Bank,
Arumbakkam Branch,
Chennai-600 106.

+1cc to M/s.S.Sundaresan, Advocate SR.NO.65061

+2cc to M/s.A.Ramaswamy, Advocate SR.NO.65313

RSI (CO)

sm:12.10.2018

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