

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9804 of 2013

and

M.P.Nos.1 and 2 of 2013

1.Coimbatore Periyar District Dravida
Panchalai Thozhilalar Munnetra Sangam,
Rep. by its General Secretary,
No.2, Anna Nagar, Tiruppur - 1.

2.R.Ranganathan ... Petitioners

vs.

1.Debts Recovery Tribunal,
Rep. by its Recovery Officer,
Cauvery Complex,
No.1670, Trichy Road,
Ramanathapuram,
Coimbatore - 641 045.

2.Central Bank of India,
Asset Recovery Management Branch,
III Floor, No.48 & 49, Montieth Road,
Egmore, Chennai - 600 006.

3.K.Parthasarathy Spinning Mills,
Ganapathypalayam,
Udumalpet Taluk,
Tiruppur District.

4. Pavan Kishore ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, after calling for the records relating to the sale proclamation issued by the 1st respondent Tribunal in "The Hindu" Coimbatore Edition on 10.03.2013 issued by the 1st respondent in RP No. 1 of 2012 in DRC No. 1 of 2012 in O.A.No.378 of 2003 , Tribunal and to quash the same as being without illegal, arbitrary and contrary to the provisions of the Act and to explore the possibility of one time settlement with the 4th respondent so as to enable Mills to continue and to provide employment to the workers.

For Petitioners: Mr.Ram Siddhartha

For R2 : Mr.B.Thilak Narayanan
for Mr.T.M.Hariharan

ORDER

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

Instant Writ Petition is filed to call for the records, relating to the sale proclamation, issued by the 1st respondent/Debts Recovery Tribunal, Coimbatore, in "The Hindu" Coimbatore Edition, on 10.03.2013 issued by the 1st respondent, in RP No. 1 of 2012 in DRC No. 1 of 2012 in O.A.No.378 of 2003, Tribunal, and to quash the same as being without illegal, arbitrary and contrary to the provisions of the Act and to explore the possibility of one time settlement with the 4th respondent so as to enable Mills to continue and to provide employment to the workers.

2. Mr.B.Thilak Narayanan, learned counsel on record, representing Mr.T.M.Hariharan, counsel for the Central Bank of India/second respondent herein, has filed typed set of papers on 27.01.2018. Earlier counter affidavit has been filed.

3. Learned counsel for the Central Bank of India/second respondent herein, submitted that the sale proclamation dated 27.03.2013, has been challenged by the borrower before the Debts Recovery Tribunal, Chennai, and that the said proclamation was set aside. Thereafter, on appeal, Debts Recovery Appellate Tribunal, Chennai, reversed the said decision. Sale was not effected on 27.03.2013.

4. Though, sale proclamation was sustained by the Appellate Tribunal, even today, the property has not been sold.

5. Heard learned counsel for the both sides and perused all the materials available on record.

6. E-auction sale proclamation has been issued in R.P.No.1/2012 in DRC No.1/2012 dated 05.10.2012 in OA No.378 of 2013 between Central Bank of India and M/s.Parthasarathy Spinning Mills and Others. E-auction fixed on 27.03.2013, has not taken place as on today. Challenge to the sale proclamation does not survive. Further, only the borrower or guarantor can seek for onetime settlement.

7. In view of the above, reliefs sought for the by the petitioner, cannot be granted.

8. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Recovery Officer,
Debts Recovery Tribunal,
Cauvery Complex,
No.1670, Trichy Road,
Ramanathapuram,
Coimbatore - 641 045.

2. Central Bank of India,
Asset Recovery Management Branch,
III Floor, No.48 & 49, Montieth Road,
Egmore, Chennai - 600 006.

+1 cc to M/s.Row and Reddy Advocate sr 7520

+1 cc to M/s.T.M.Hariharan Advocate sr 7557

W.P.No.9804 of 2013
and
M.P.Nos.1 and 2 of 2013

kgk(co)
aa20/02/2018

WEB COPY