

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.6580 of 2017

Saroja Ammal

.. Petitioner

-vs-

1.The Presiding Officer,
Debt Recovery Tribunal (DRT III),
Chennai.

2.Indian Overseas Bank,
Thanjavur Main Branch,
rep. by its Chief Manager,
No.1604, South Main Road,
Thanjavur.

3.The Authorised Officer,
Indian Overseas Bank,
Thanjavur Main Branch,
T.S.No.1604 South Main Street,
Thanjavur - 613 009.

4.M/s.Sri Sayee Associates,
rep. by its Partners D.Murugesan,
No.3/2A, Periyar Nagar,
4th Street, Medical College Road,
Thanjavur.

5.M/s.Sri Sayee Enterprises,
rep. by its Proprietor D.Murugesan,
No.19, Rajaji Road,
Srinivasapuram,
Thanjavur.

6.Murugesan

7.D.Vimala

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the impugned e-auction sale notice dated 16.02.2017 issued by the respondents 2 and 3 and quash the same as illegal, arbitrary and without jurisdiction and abuse of process of law and direct the respondents 2 and 3 to furnish to the petitioner the details of payments made with the 1st respondent in the cash credit account in (1)Account No.008802000010587; (2)Account No.008802000010626; (3)Account No.008803501200008 and the particulars as to the outstanding in a sum of Rs.1,97,09,738/- as mentioned in the e-Auction sale notice.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.F.B.Benjamin George
for respondents 2 & 3

R1 - Tribunal

RR6 & 7 - No Appearance

RR4 & 5 - Not Ready in
notice

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The challenge in this writ petition is to the e-Auction sale notice dated 16.02.2017 issued by the respondents 2 and 3.

2. It is an admitted fact that pursuant to the said e-Auction sale notice, no auction took place. Thereafter, second sale notice came to be issued on 19.09.2018. The said notice has been challenged by way of a separate petition before the Debts Recovery Tribunal. Hence, as far as the first prayer in this writ petition regarding quashing of e-Auction sale notice dated 16.02.2017 is concerned, it has become infructuous.

3. The other prayer in this writ petition is to direct the respondents 2 and 3 to furnish to the petitioner the details of payments made with the 1st respondent in the cash credit account in (1)Account No.008802000010587; (2)Account No.008802000010626; (3)Account No.008803501200008.

4. The second sale notice has been challenged by the petitioner and proceedings in relation to the same are pending before the Debts Recovery Tribunal. It would be open to the petitioner to work out her remedy in the proceedings pending before the Debts Recovery Tribunal in relation to the second prayer.

5. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.11886, 7071 and 7072 of 2017 are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

bbr

To

The Presiding Officer,
Debt Recovery Tribunal (DRT III),
Chennai.

+1cc to M/s.D.Rajagopal, Advocate, S.R.No.79471

+1cc to M/s.F.B.Benjamin George, Advocate, S.R.No.79810

W.P.No.6580 of 2017

CP(CO)
SSM(30.11.2018)

सत्यमेव जयते

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