

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.33948 of 2018

R.Nalayini

.. Petitioner

-vs-

The Authorised Officer/Chief Manager,  
Canara Bank,  
Mayiladuthurai Branch,  
No.13, Mudhaliyar Street,  
Mayiladuthurai,  
PIN-609 001.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent bank in abeyance to keep the proposed E-auction on 31.12.2018 under SARFAESI Act bearing ref.No.SALE 2018/E-AUCTION/Mrs.R.Nalayini dated 30.11.2018 in respect of the petitioner's subject house enabling the petitioner to repay the default instalment amount or to settle the entire loan amount in one time settlement.

For Petitioner सत्यमेव जयते : Mr.R.Malaichamy

ORDER

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

The petitioner is seeking direction in relation to e-auction notice dated 30.11.2018. Against the said notice, the petitioner has efficacious alternate remedy of approaching the Debts Recovery Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act'). Hence, we are not inclined to entertain the present writ petition and

the petitioner is relegated to the remedy of preferring an appeal under Section 17 of SARFAESI Act before the Debts Recovery Tribunal.

2. With the above observation, the writ petition is dismissed. No costs. Consequently, W.M.P.No.39419 of 2018 is closed.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

+1 cc to Mr.R.Malaichamy, Advocate Sr.No.88614

CSL/21.12.2018

W.P.No.33948 of 2018



WEB COPY