



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.12609 of 2018

and

W.M.P (MD) .No.11488 of 2018

K.Muneeswaran

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Authorized Officer,
Bank of Baroda,
Anna Nagar Branch,
HIG 16, 80 Feet Road,
Anna Nagar,
Madurai - 625 020.

...Respondents 1 & 2

3.R.Devirani

...3rd Respondent/Impleaded Party

(R-3 is impleaded as per order dated 18.06.2018 made in
W.M.P (MD) No.11783 of 2018 by MDJ & ASMJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the first respondent by calling the petitioner to conduct enquiry under Section 14 of the SARFAESI Act based on the application dated 21.07.2017 filed by the second respondent.

For Petitioner	: Mr.C.Vakeeswaran
For R-1	: Mr.S.Angappan, Government Advocate
For R-2	:Mr.Palaramasamy

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue a writ of Mandamus, forbearing the first respondent by calling the petitioner to conduct enquiry under Section 14 of the SARFAESI Act, based on the application dated 21.07.2017 filed by the second respondent.

2. The second respondent / bank initiated SARFAESI proceedings against the petitioner and the petitioner's property was sold in the public auction to the third respondent and the sale was also confirmed in her favour. Thereafter, the second respondent



initiated proceedings under Section 14 of the SARFAESI Act for taking possession of the property from the petitioner and hand over the same to the auction purchaser.

3. The learned counsel appearing for the petitioner submitted that challenging the sale notice, the petitioner has filed a SARFAESI appeal in S.A.No.288 of 2017 on the file of the Debt Recovery Tribunal, Madurai and the same is also pending. The learned counsel further submitted that the Debts Recovery Tribunal, may be directed to dispose of the SARFAESI appeal within a time frame.

4. The learned counsel also submitted that opportunity may be given to the petitioner to file appropriate application before the Debts Recovery Tribunal seeking for stay of the SARFAESI proceedings.

5. In view of the submission made by the learned counsel appearing for the petitioner, we direct the Debts Recovery Tribunal, Madurai, to dispose of the SARFAESI appeal in S.A.No.288 of 2017, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is open to the petitioner to file appropriate application seeking appropriate relief and it is for the Debts Recovery Tribunal, to decide the same, on merits and in accordance with law.

With these observations, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District,
Madurai.

2.The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

+1CC to Mr.C.Vakeeswaran Advocate in SR.No.68509.
+1CC to Mr.Pala.Ramasamy Advocate in SR.No.68504.

PM

DS/SKN-RSK/SAR-1:21.06.2018:2P/5C

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W.P. (MD) .No.12609 of 2018
18.06.2018