



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.07.2018
CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P (MD) No.16093 of 2018
and
W.M.P (MD) Nos.14335 & 14336 of 2018

Chitra

... Petitioner

Vs.

The Authorized Officer,
Corporation Bank,
No.12C, Gandhi Road,
Sivakasi,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent pertaining to the impugned sale notice dated 27.06.2018 published in the Newspaper Daily Thanthi on 29.06.2018 fixing the date of sale on 25.07.2018 issued by the respondent under Rules 6, 7, 8 and 9 of the Security Interest (Enforcement Rule) 2002, under the SARFEASI Act, 2002, for the immovable properties offered as security by the petitioner and quash the same and consequently direct the respondent to furnish the statement of accounts duly verifying the vouchers entries.

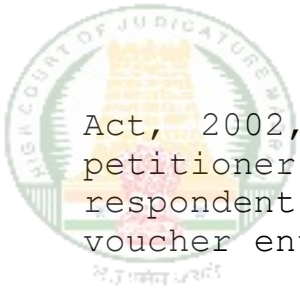
For Petitioner	: Mr.R.Murugan
For Respondent	: Mr.Pala.Ramasamy

ORDER

(Order of the Court was made by **HULUVADI G.RAMESH, J.**)

Heard the learned counsel for the petitioner and Mr.Pala.Ramasamy, learned counsel, who takes notice for the respondent.

2. The petitioner has come up with this Writ Petition seeking a Writ of Certiorarified Mandamus, to call for the records of the respondent pertaining to the impugned sale notice dated 27.06.2018 published in the Newspaper namely 'Daily Thanthi' on 29.06.2018 fixing the date of sale on 25.07.2018 under Rules 6, 7, 8 and 9 of the Security Interest (Enforcement Rule) 2002, under the SARFEASI



Act, 2002, for immovable properties offered as security by the petitioner and quash the same and consequently to direct the respondent to furnish the statement of accounts for verifying the voucher entries.

3. It appears that the impugned sale notice was issued without affording sufficient time of 30 days from the date of publication of the sale notice. Further, the only question is regarding the legality of issuance of notice and sought for two days time to complete and satisfy the mandate of the requirement, the petitioner has come before this Court.

4. Admittedly, there is a provision to move the Debt Recovery Tribunal in this regard and it appears that already auction notice said to be issued as per the mandate and requirement and it is for the petitioner either to deposit the amount as contemplated in the notice issued by the Bank, pending grievance. However, it is open to the petitioner to approach the Debt Recovery Tribunal in this regard if he is ready to go for One Time Settlement or he can approach the Debt Recovery Tribunal, for further challenge.

5. Since the Bank has already initiated public auction on 25.07.2018 and also issued a notice to that effect, in the interest of justice, we direct the respondent/Bank to conduct such auction, however confirmation of the sale is stayed for a period of four weeks and in the mean while, the petitioner can approach the Debt Recovery Tribunal for further orders.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

+1cc to Mr.R.Murugan, Advocate SR.No.74900

+1cc to Mr.Pala.Ramasamy, Advocate SR.No.74716

PS

MK/RSK/SAR 1/27.08.2018/2P/3C

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24.07.2018