



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.8317 of 2016

and

W.M.P. (MD) .No.6738 of 2016

C.Valliammal,

... Petitioner

Vs.

The Authorised Officer,
REPCO Bank,
"Repco Tower",
No.33, North Usman Road,
T.Nagar, Chennai 600 017.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent from conducting the auction sale which to be held on 27.04.2016 in pursuance to the sale notification dated 09.03.2016 till the Securitisation Application No.190 of 2016 is heard by the competent Debt Recovery Tribunal.

For Petitioner : Mr.Veera Kathiravan, Senior counsel
for Mr.F.Deepak

For Respondent : Mr.Pala Ramasamy

O R D E R

[Order of the Court was made by T.RAJA,J.]

This writ petition has been filed seeking for a writ of Mandamus to forbear the respondent from conducting the auction sale which scheduled to be held on 27.04.2016.

2. When the matter was taken up for hearing, the learned counsel appearing for the Authorised Officer of REPCO Bank, the respondent herein, submitted that the sale notice was issued on 09.03.2016, fixing the public auction to be held on 27.04.2016. This writ petition was filed on the ground that the petitioner was unable to approach the Debt Recovery Tribunal as it was not functioning due to the Presiding Officer was on leave. However, the SARFAESI Appeal in S.A.No.190 of 2016 filed before the Debt Recovery Tribunal, Madurai was listed on 22.04.2016. As the Presiding Officer was on leave, it was adjourned to 25.04.2016 and subsequently, no hearing was held, taking note of the fact that the petitioner was unable to prosecute the Appeal due to want of Presiding Officer.



3. This Court has passed an order directing the respondent to proceed with the sale, but not to confirm the sale, on 26.04.2016.

4. In view of the direction issued by this Court in the writ petition, although the Authorised Officer was about to proceed with the auction, there was no prospective bidder. As a result, the public auction also could not be held. In any event, now the petitioner's SARFAESI Appeal is pending on the file of the Debt Recovery Tribunal, Madurai. The said S.A.No.190 of 2016 can be directed to be taken up for early disposal preferably within a period of six months.

5. Agreeing with the submissions made by the learned counsel appearing for the respondent, keeping in mind that as no public auction till date was held, as a result, the grievance of the petitioner also has been taken care of, we direct the Debt Recovery Tribunal, Madurai, to consider and dispose of the S.A.No.190 of 2016 at an early date, preferably within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar(CS-II)

To

The Authorised Officer,
REPCO Bank,
"Repco Tower",
No.33, North Usman Road,
T.Nagar, Chennai 600 017.

+1cc to Mr.PALA RAMASAMY, Advocate, SR.No.80181

W.P. (MD)No.8317 of 2016
24.08.2018

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