

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3343 of 2019

Shazad N.Mogrelia,
Proprietor,
M/s.Shazzy's
Flat No.G, Second Floor,
"Purusharath", Plot No.8,
Door No.14/2 (Old No.5/2),
Kilpauk Garden Road 1st street,
Kilpauk, Chennai-600 010. ... Petitioner

-vs-

The Authorized Officer cum Chief Manager,
Bank of India,
Chennai Main Branch,
No.30, 'Star House', Erra Balu Street,
Chennai - 600 001. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to furnish all the documents/details regarding auction sale as sought for by the petitioner's request letter dated 13th January 2019 within a specified time period.

For Petitioner : Mr.M.Arun

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondent to furnish all the documents / details regarding the auction sale as sought for by the petitioner's request letter dated 13.01.2019 within a time frame.

2. It is the case of the petitioner that challenging the auction sale conducted in respect of the petitioner's property, they have filed SARFAESI Appeal in S.A.No.372 of 2018 on the file of the Debts Recovery Tribunal-II, Chennai. The Debts Recovery Tribunal-II, Chennai had granted an order of interim stay with regard to the confirmation of sale in favour of the petitioner. While so, the petitioner has given a letter dated 13.01.2019 to the respondent Bank to furnish all the documents relating to the auction sale.

3. Admittedly, S.A.No.372 of 2018 is pending before the Debts Recovery Tribunal-II, Chennai and therefore, the petitioner can very well file an application before the Debts Recovery Tribunal-II, Chennai seeking the relief sought for in the writ petition.

4. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the same is dismissed. It is open to the petitioner to file appropriate application before the Debts Recovery Tribunal-II, Chennai seeking for the documents mentioned in the letter dated 13.01.2019. No costs. Consequently, W.M.P.No.3626 of 2019 is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Authorized Officer cum Chief Manager,
Bank of India,
Chennai Main Branch,
No.30, 'Star House', Erra Balu Street,
Chennai - 600 001.

2. The Debts Recovery Tribunal-II,
Chennai.

+1 cc to Mr.T.K.S.Gandhi, Advocate, S.R.No.10297

W.P.No.3343 of 2019

SSM(13/02/2019)