

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2019

CORAM :

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.27237 of 2019

P.A.Sankar

.. Petitioner

-vs-

1.The Authorised Officer,
IDBI Bank Limited,
RBG-Regional Office,
No.37, P.M. Towers,
Greams Road,
Chennai - 600 006.

2.P.Kumaran

3.The Registrar,
Debt Recovery Tribunal-III,
Deva Towers,
Anna Salai,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the third respondent to take up the S.A. Paper Book fled in S.R.No.3362/2019 filed by the petitioner challenging the Sale Certificate dated 08.05.2019 executed by the first respondent bank in favour of the second respondent under SARFAESI Act registered as Document No.8814 of 2019 on 08.05.2019 at the Office of the District Registrar, Puducherry in accordance with law as DRT alone is having jurisdiction to entertain SARFAESI Appeal under Section 17 of the Act to challenge the sale certificate.

For Petitioner

: Mr.R.Sreedhar

ORDER

(Order of the Court was made by DR.VINEET KOTHARI,J.))

The petitioner is aggrieved in this case about the rejection of the appeal filed under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the Office of the Debts Recovery Tribunal-III, Chennai with some defects pointed out therein.

2. Having heard the learned counsel for the petitioner, we are satisfied that the present writ petition is not maintainable before this Court. If at all the petitioner is aggrieved by the rejection order passed by the Registrar of Debts Recovery Tribunal, the matter deserves to be placed before the Bench of Debt Recovery Appellate Tribunal in the first instance.

3. We dismiss the writ petition with the aforesaid liberty to the petitioner to move the concerned Bench of Debt Recovery Appellate Tribunal. No costs.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To:

- 1.The Authorised Officer,
IDBI Bank Limited,
RBG-Regional Office,
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Chennai - 600 006.

- 2.The Registrar,
Debt Recovery Tribunal-III,
Deva Towers,
Anna Salai, Chennai.

+1 CC to Mr.R.Sreedhar, Advocate sr 79147.

W.P.No.27237 of 2019

RGN (CO)
SP(22/10/2019)