

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.27324 of 2019

Ramesh

.. Petitioner

-vs-

1.The Authorised Officer/Chief Manager,
UCO Bank,
No.328, Thambu Street,
Chennai-1,
Tamil Nadu.

2.The Assistant General Manager,
UCO Bank, Pondicherry Main Branch,
No.37, Mahe De Labourdonnais,
Pondicherry-605 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 1st respondent pertains to the e-auction sale notice dated 17.08.2019 and quash the same.

For Petitioner : Mr.P.R.Thiruneelakandan

ORDER

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

The petitioner, Ramesh, son of Sandanasamy, residing at No.166, Kamatchi Amman Koil Street, Puducherry, has approached this Court while the proceedings are pending against the borrowers viz., Mr.S.Dhanaraj; Mrs.S.Amaravathi; Mrs. Geetha and Mr.S.Ramesh, the present petitioner herein. All being the legal representatives of late Mr.Sandanasamy.

2. The learned counsel for the petitioner submitted that earlier the Division Bench of this Court, vide order dated 07.09.2018, set aside the ex parte order passed against the petitioner dated 19.03.2018 in M.A.No.106 of 2017 on the file of the Debt Recovery Appellate Tribunal, Chennai and I.A.No.1026 of 2016 in O.A.No.337 of 2015 on the file of the Debts Recovery Tribunal, Chennai, subject to the condition of payment of cost of Rs.25,000/- to the third respondent UCO Bank. He submits that the proceedings are coming up before the Debts Recovery Tribunal-III, Chennai on 16.09.2019 i.e., today, but the third respondent Bank in the meanwhile issued the impugned e-auction sale notice under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 17.08.2019.

3. Having heard the learned counsel for the petitioner, we are satisfied that no interference is called for in the present writ petition at this stage since the proceedings are pending before the Debts Recovery Tribunal-III, Chennai, where the petitioner Mr.Ramesh himself was duly impleaded as party and the ex parte proceedings against him have already been set aside by this Court subject to the condition as aforesaid. The petitioner is at liberty to approach the Tribunal for any interim relief and bring to the notice of the Tribunal the subsequent developments in the course of the proceedings. He also has a remedy to file SA under Section 17 of the Act against the said E-auction notice itself.

4. Therefore, we are not inclined to interfere in the matter at this stage.

5. With the aforesaid liberty to the petitioner, the writ petition is disposed of. No costs. Consequently, W.M.P.No.26748 of 2019 is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

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Sub Assistant Registrar

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To:

1.The Authorised Officer/Chief Manager,
UCO Bank,
No.328, Thambu Street,
Chennai-1,
Tamil Nadu.

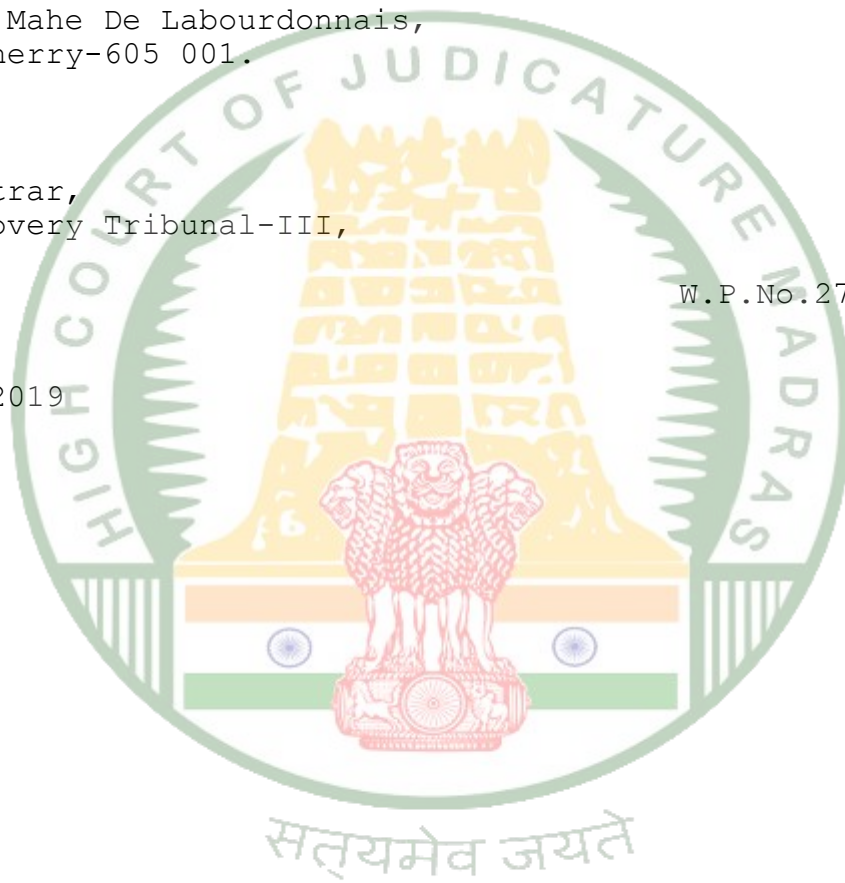
2.The Assistant General Manager,
UCO Bank, Pondicherry Main Branch,
No.37, Mahe De Labourdonnais,
Pondicherry-605 001.

Copy to

The Registrar,
Debts Recovery Tribunal-III,
Chennai.

W.P.No.27324 of 2019

br(co)
nr 25/10/2019



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