

THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.10.2019

CORAM

THE HONOURABLE Dr.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.30152 of 2019
and
W.M.P.Nos.30113 & 30116 of 2019

Mrs.P.Vedamani

Petitioner

Versus

1. The Registrar,
DRT-3, 770, Anna Salai,
Chennai 600 002.

2. The Authorized Officer,
Canara Bank,
Kellys Branch,
P.B.No.3007, No.207,
Purasawalkam High Road,
Chennai 600 007.

3. United India Insurance Co. Ltd.,
Catholic Centre,
64, Armenian Street,
Chennai 600 001.

4. Mr.T.Kumar

5. Mrs.P.Sudandramani

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records of the 2nd respondent in respect of the certificate of Sale dated 27.6.2019 bearing Doc.No.3069 of 2019 before the Sub Registrar, Anna Nagar, Chennai in favour of the 4th and 5th Respondents and quash the same.

For petitioner : Mr.B.Raviraja

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, ACJ.)

The Petitioner, P.Vedamani, wife of S.Gunaseelan has filed this Petition challenging the alleged sale executed by the Respondent Bank in favour of third parties under the Proceedings initiated under the provisions of SARFAESI Act.

2. The Petitioner/Applicant appears to have approached the DRT Chennai III by Case No. S.A.Diary No.330 of 2019 and some defects, apparently, have been pointed out in the said Application including the S.A. being barred by limitation, the Court Fee not paid, etc.

3. The learned counsel for the Petitioner Mr.B.Raviraja sought to raise some submission on the merits of the case which, we are not inclined to interfere at this stage. We are little surprised that when a Petition has been filed before the DRT under Section 17 of the Act, what cause compels the Petitioner to approach this Court invoking the extra-ordinary jurisdiction under Article 226/227 of the Constitution of India.

4. We are of the considered opinion that the DRT should take up the matter on its file and pass necessary orders and we are not ready to believe that on the defects stage itself, the Registry of the DRT is not taking up the papers and placing before the Bench concerned of the DRT. This is an administrative issue on the part of the DRT and the Presiding Officer concerned to look into. Therefore, we are not inclined to interfere in the matter. We expect the Petitioner/Applicant to go back to the DRT and request the DRT Bench to pass appropriate orders in the first instance in the present Application filed under Section 17 of the Act.

5. With this observation, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Registrar,
DRT-3, 770, Anna Salai,
Chennai 600 002.
 2. The Authorized Officer,
Canara Bank,
Kellys Branch,
P.B.No.3007, No.207,
Purasawalkam High Road,
Chennai 600 007.
 3. United India Insurance Co. Ltd.,
Catholic Centre,
64, Armenian Street,
Chennai 600 001.
- +2ccs to Mr.B.Raviraja , Advocate SR.No. 88479

W.P.No.30152 of 2019

A.SK(26/11/2019)