

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.10.2019

CORAM

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

W.P.No.30482 of 2019
and
W.M.P.No.30514 of 2019

1. Dr.N.Pon Nixson
2. Dr.N.Gold Pearlinmary Petitioners

Versus

1. The Authorised Officer,
Indian Overseas Bank,
Regional Office,
No.20-21, Kamarajar Street,
Kancheepuram 631 501.
2. Indian Overseas Bank,
rep. by its Branch Manager,
Perungalathur Branch,
No.14, Veera Raghavan Street,
NDP Complex, New Perungalathur,
Chennai-63. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the entire records in connection with the impugned e-Auction sale notice dated 13.10.2019 published in daily newspaper namely New Indian Express issued by the 1st Respondent and to quash the same as illegal and without jurisdiction, insofar as Property Nos.1 to 3 are concerned.

For Petitioners : Mr.P.Tamilavel

ORDER

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

The Petitioner, claiming interest on the basis of a Will executed by the Borrower, has assailed the e-Auction Sale Notice dated 13.10.2019 in respect of the property in question.

2. The learned counsel for the Petitioners submitted that earlier also the Petitioners had approached the DRT under Section 17 of the Act, which dismissed their case against which an Appeal has been filed before the DRAT and the same is pending since 9.10.2019.

3. In view of the aforesaid situation, we are of the considered opinion that the Petitioners have an effective alternative remedy and they can very well either bring the later developments to the notice of DRAT. We are not inclined to interfere with the same as the Petitioner is also free to proceed afresh before the DRT or take it to the notice of the DRAT in the pending appeal about the e-Auction Sale Notice issued later as on 13.10.2019.

4. With the above observations, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Authorised Officer,
Indian Overseas Bank,
Regional Office,
No.20-21, Kamarajar Street,
Kancheepuram 631 501.

2.The Branch Manager,
Indian Overseas Bank,
Perungalathur Branch,
No.14, Veera Raghavan Street,
NDP Complex, New Perungalathur,
Chennai-63.

A.SK(26/11/2019)

W.P.No.30482 of 2019

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