



WEB COPY

Writ Petition (MD).No.23435 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.23435 of 2019

and

W.M.P. (MD) Nos.20071 and 20073 of 2019

P.Elangovan

... Petitioner

Vs.

1.The Authorized Officer,
The Karur Vysya Bank Limited,
Asset Recovery Branch,
R.S.No.170/9, Uthankudi Village,
Near Mattuthavani Bus stand,
Madurai - 625 107.

2.The Authorized Officer,
The Karur Vysya Bank Limited,
A.A.Road,
Gnanolivpuram,
Madurai - 625 016.

3.The Branch Manager,
The Karur Vysya Bank Limited,
Pothumbu Branch,
Pothumbu,
Madurai - 625 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned sale notice dated 27.09.2019 on the file of the first respondent and quash the same as illegal.

For Petitioner

: Mr.R.Venkatesan

For Respondents

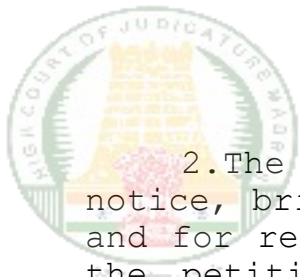
: Mr.Palaramasamy

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Venkatesan, learned counsel appearing for the petitioner and Mr.Palaramasamy, learned standing counsel appearing for the respondents.

<https://hcservices.courts.gov.in/hcservices/>



2.The petitioner is before this Court, challenging the sale notice, bringing the properties mortgaged by the petitioner for sale and for recovery of loans sanctioned to the petitioner. Admittedly, the petitioner has an efficacious alternative remedy before the Debts Recovery Tribunal. The petitioner should not bypass such a remedy.

3.Mr.R.Venkatesan, learned counsel for the petitioner vehemently contended that sale notice is vitiated on several grounds and the grounds raised in the writ petition are reiterated before us.

4.However, we refrain from rendering any findings on the grounds raised by the learned counsel for the petitioner. It is likely to prejudice the petitioner. The petitioner can have an alternative remedy before the Debts Recovery Tribunal.

5.Hence, the writ petition is not maintainable and the same is disposed of giving liberty to the petitioner to approach the Debts Recovery Tribunal for necessary relief. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

+1 CC to Mr.PALARAMASAMY, Advocate (SR-97011[F] dated 08/11/2019)

+1 CC to Mr.R.VENKATESAN, Advocate (SR-97151[F] dated 08/11/2019)

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