



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.3667 of 2020
and W.M.P.Nos.4324 & 4326/2020

M.Iyyappa Raja .. Petitioner
Versus

1.The Manager,
City Union Bank Ltd.,
Ramnagar Branch,
No.27-30, Sarojini Street,
Ramnagar,
Coimbatore 641 009.

2.The Authorised Officer,
City Union Bank Ltd.,
Administrative office,
24-B, Gandhi Nagar,
Kumbakonam 612 001.

3.M/s.Champion Sports,
Sai Complex,
No.21/27-F, 2nd Floor,
Variety Hall Road,
Coimbatore 641 001.

4.Mrs.S.Roslin Metilda

5.Mr.Naveen Rajkumar

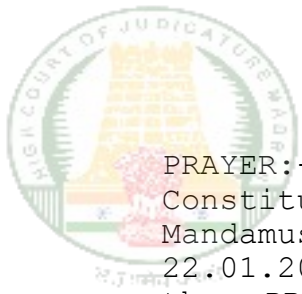
6.Mr.S.P.Sathappan

7.Tmt.M.Nagarathinam

8.Mr.A.Selvaraj

9.The orange Properties,
Rajendar Buildinds,
347,Big Bazaar,
Coimbatore 641 108.

...Respondents



PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the orders dated 22.01.2020 in I.A.No.2438 in S.A.No.466 of 2019 on the file of the DRT at Coimbatore, Quash the same and forbear the respondents land 2 from continuing with the proceedings of sale pursuant to the Re-Tender-cum-Auction Sale notice dated 31.08.2019 initiated under provisions of the SARFAESI Act.

For Petitioner : Mr.C.R.Prasanan
For Respondents : Mr.R.Sivaraman
ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

In this Writ Petition, challenge is made to the impugned order dated 22.01.2020 passed by the Debts Recovery Tribunal, Coimbatore and in and by which, challenge made by the petitioner to the Sale Notice dated 31.08.2019 came to be dismissed.

2. The petitioner instead of resorting to alternative remedy, has filed this Writ Petition stating among other things that challenging the said order, an appeal was also filed before the DRAT at Chennai and for want of Presiding Officer, he could not move his petition for interim relief.

3. When this matter was listed on 14.02.2020, this Court directed the petitioner to serve notice upon the learned Standing Counsel appearing for the respondent Bank and directed the listing of the matter today.

4. The learned Standing Counsel appearing for the respondent Bank would submit that the Presiding Officer of the Debts Recovery Appellate Tribunal, is on leave and he is resuming office on 24.02.2020.

5. In response to the said submission, the learned counsel appearing for the petitioner, on instructions seeks permission of this Court to withdraw this Writ Petition with a liberty to pursue the appeal before the Debts Recovery Appellate Tribunal at Chennai and till the entertainment of the application for interim relief, prays for Status Quo of the order.

6. Filing of the appeal is to be proceeded by predeposit and as such the prayer sought for by the petitioner for maintenance of Status Quo, till the entertainment of the application for stay, cannot be acceded to. If the papers are otherwise in order, the Debts Recovery Appellate Tribunal, Chennai, is directed to entertain the appeal and give preference for disposal of the Interlocutory Application for interim relief.



7. In the light of the endorsement made, this Writ Petition is dismissed as withdrawn. No costs. Consequently connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To,

1.The Manager,
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2.The Authorised Officer,
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Administrative office,
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+lcc to Mr.C.R.Prasanan , Advocate SR.No. 15279

WP.No.3667 of 2020

A.SK(24/02/2020)