

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.6403 of 2020

T.Karikalan

...Petitioner

Vs

1.The Authorized Officer(SARFAESI Act 2002),
Karur Vysya Bank Limited,
No.25-D, Mela Agraharam Street,
Trichy Main Road, Ariyalur Branch,
Ariyalur - 621 704.

2.S.Geetha

3.K.Mahalakshmi

....Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of certiorari calling for the records of the 1st respondent in his proceedings in pursuance to the impugned notice of the 1st respondent dated 26.08.2016 under Section 13(2) of the SARFAESI Act and consequent sale certificate issued by the 1st respondent in favour of 2nd and 3rd respondents dated 16.10.2019 and quash the same.

For Petitioner : Mr.G.Ilamurugu

ORDER

(Order of the Court was made by M.M.SUNDRESH, J)

Seeking to issue a writ of certiorari calling for the records of the first respondent in his proceedings in pursuance to the impugned notice of the first respondent dated 26.08.2016 under Section 13(2) of the SARFAESI Act and consequent sale certificate issued by the first respondent in favour of second and third respondents dated 16.10.2019 and to quash the same, the present writ petition has been filed.

2. The petitioner has got a remedy before the Debt Recovery Tribunal. The issue itself has been rather well settled in a catena of the judgments of the Apex Court. The power to be exercised under Article 226 of the Constitution of India as discretionary is extraordinary in nature.

3. In such view of the matter, we are not inclined to entertain this petition. However, considering the fact that the petitioner has filed writ petition before this Court, we are inclined to grant two weeks time from the date of receipt of a copy of this order to the petitioner to file appropriate application before the DRT.

Writ Petition stands dismissed. However, we make it clear that all the issues are open and the Tribunal is directed to adjudicate the matter on merits. No costs. Consequently, connected W.M.P.Nos. 7563 and 7561 of 2020 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

The Authorized Officer (SARFAESI Act 2002),
Karur Vysya Bank Limited,
No.25-D, Mela Agraharam Street,
Trichy Main Road, Ariyalur Branch,
Ariyalur - 621 704.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.22518

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SR(CO)
RN(03/06/2020)