

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.9696 & 9698 of 2020
and W.M.P.Nos.11818 to 11820, 11822 & 11823 of 2020

M/s.Mak Hi Tech Industries Pvt Ltd,
Rep by its Director, V.M.AADHITHYA,
Office at No. 2/610- A,
Chettipalayam Main Road,
Malumichampatti,
Coimbatore - 641050.

.. Petitioner in
W.P.No.9696/2020

V.Maruthachalam

.. Petitioner in
W.P.No.9698/2020

Vs

1. Central Bank of India,
Rep by Chief Manager,
Peelamedu Branch,
Coimbatore - 641004.
2. The Authorised Officer,
Stressed Asset Recovery Regional Office
Branch , Central Bank of India,
Central Bank Buildings,
14/15/Third Floor Variety Hall Road,
Coimbatore- 6.
3. The Chief Judicial Magistrate,
Coimbatore.

..Respondents
in both WPs

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorari and to call for the records pertaining to order dated 4.1.2020 made in Cr.M.P.No. 1165/2019 on the file of the third respondent herein and quash the same.

For Petitioner .. Mr.N.Shrivatsav
for Mr.K.Shankar Vignesh
in both W.Ps

For Respondents .. Mr.M.L.Ganesh for R1 & R2
R3 - Court
in both W.Ps

COMMON ORDER

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

These two writ petitions have been filed by the borrower and the guarantor laying a challenge to the order passed in Cr.M.P.No.1165 of 2019 dated 04.01.2020 and the sale notice. Insofar as the sale notice is concerned, the auction proposed is cancelled with respect to the residential flat. As against the order passed under Sections 14 (1) and 14(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, the remedy for the petitioners is to invoke Section 17 of the Act, as has been held by the Apex court and as well as this Court.

2. In such view of the matter, we are not inclined to go into the merits of the case. Accordingly, both the writ petitions stand disposed of, giving liberty to the petitioners to invoke Section 17 of the Act within a period of two weeks from the date of receipt of a copy of this order. As and when such applications are filed, the Debts Recovery Tribunal shall dispose of the same on merits and in accordance with law, without rejecting the same on the ground of limitation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
सहायक न्यायाधीश
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Chief Manager,
Central Bank of India,
Peelamedu Branch, Coimbatore - 641004.

2.The Authorised Officer,
Stressed Asset Recovery Regional Office
Branch, Central Bank of India,
Central Bank Buildings,
14/15/Third Floor, Variety Hall Road,
Coimbatore- 6.

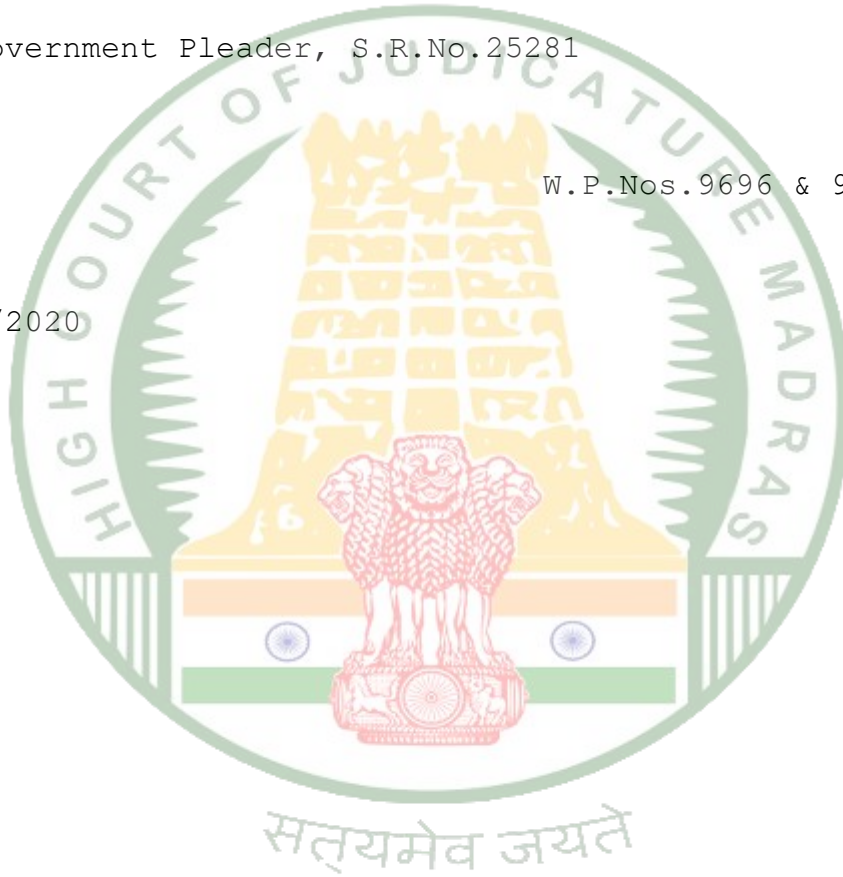
3.The Chief Judicial Magistrate,
Coimbatore.

4.The Debts Recovery Tribunal,
Coimbatore.

+1cc to Government Pleader, S.R.No.25281

W.P.Nos.9696 & 9698 of 2020

AD (CO)
KKV/24/08/2020



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