

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

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

W.P.No. 7985 of 2020

T.Paramasivam

.. Petitioner

Vs

The Authorized Officer,
Axis Bank,
RAC, Arcot Plaza,
Old No.38, New No.165,
Arcot Road,
Kodambakkam,,
Chennai 600 024.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to quash the sale conducted by the respondent on 20/01/2020 vide sale notice dated 30/11/2019 as being violated of the provisions of the SARFESI Act and the terms of sale and also being illegal and prejudicial.

For Petitioner .. Ms.Ananda Gomathy Murugesan
For Respondent .. Mr.V.V.Sivakumar

ORDER

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

The petitioner being the borrower has come forward to file this writ petition challenging the auction sale conducted by the respondent/Bank on 20.01.2020 pursuant to the sale notice dated 30.11.2019.

2. Though the learned counsel appearing for the petitioner tried to make submissions on merit, we are not inclined to go into the same as there is an effective and alternative remedy being statutory in nature available to the petitioner. In fact, the petitioner has already invoked it on two earlier occasions. Further more, the affidavit filed by the respondent/Bank would indicate that the sale has already taken place and the auction purchaser has got it confirmed in his favour by a sale

certificate dated 22.05.2020. He is also stated to be using the property thereafter, though the said fact is disputed by the learned counsel appearing for the petitioner.

3.Suffice it to say that it is open to the petitioner to pursue the pending matter before the Debts Recovery Tribunal which is functioning now. Perhaps, the petitioner can be well advised to implead the auction purchaser apart from amending the prayers. We hope and trust that the Debts Recovery Tribunal would allow the applications, if filed, within a reasonable time. The petitioner is given two weeks' time to file such applications from the date of receipt of a copy of this order. The Debts Recovery Tribunal is requested to dispose of the pending matters within a period of three months thereafter.

4.The writ petition stands disposed of. No costs. Consequently, connected W.M.P.Nos.9441 & 9430 of 2020 are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mmi/ssm
To

The Registrar
Debts Recovery Tribunal
Chennai

+1 CC to Mr.V.V.Sivakumar, Advocate sr 24651.

सत्यमेव जयते

W.P.No. 7985 of 2020

WEB COPY

MR(CO)
SP(30/07/2020)