

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15..09..2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and

THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.8969 of 2020

and

W.M.P.No.10964 of 2020

P.Bindu

... Petitioner

-Versus-

1.The Chief Manager & Authorized Officer,
Bank of India,
No.322, D.B.Road, R.S.Puram Branch,
Coimbatore 641 102.

2.Mr.P.Sivadasan
Sonof Ponnusamy,
Hanag Workshop at
Sivananda Colony, Coimbatore 641 102.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration, declaring that the E-Auction sale conducted by the 1st respondent on 01.07.2019 is against the mandatory provisions of Rule 8 of the SARFAESI Act, 2002 and not valid and binding.

For Petitioner .. Dr.S.N.Amarnath

For Respondent .. Mr.F.B.Benjamin George for R1
Mr.R.Bharathakumar for R2

ORDER

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

This writ petition has been filed seeking to declare that e-Auction sale conducted by the 1st respondent on 01.07.2019 is against the mandatory provisions of Rule 8 of the SARFAESI Act, 2002 and not valid and binding.

2. As rightly submitted by the learned counsel appearing for the petitioner, much water has flown under the bridge after the auction conducted. An order has already been passed under Section 14 of the SARFAESI Act, 2002, and the petitioner has also approached the Debts Recovery Tribunal. Even other wise, the remedy for the petitioner lies before the jurisdictional Debts Recovery Tribunal.

3. In such view of the matter, this writ petition stands closed leaving all the issues open and with liberty to the petitioner to work out her remedy before the Debts Recovery Tribunal. No costs. consequently, connected WMP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/kmk

To

The Chief Manager & Authorized Officer,
Bank of India,
No.322, D.B.Road, R.S.Puram Branch,
Coimbatore 641 102.

+2ccs to Mr.Dr.S.n.Amarnath, Advocate, sr no.30204

W.P.No.8969 of 2020

AJS (CO)
RMP (16/10/2020)