

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

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

W.P.No. 9492 of 2020
and W.M.P.Nos. 11592 & 11593 of 2020

K.Ramasamy
Petitioner

..

vs

1.The Presiding Officer,
Debts Recovery Tribunal,
Having its office at Coimbatore.

2.The Authorised Officer,
M/s Asset Reconstruction Company India ltd,
Rep by its Authorized Officer
The Ruby,10th Floor, 29,Senapati Bapat Marg,
Dadar (West), Mumbai-28
Also having Local Branch Office at:
No.1-G, First Floor, Century Plaza,
No.560-562, Anna Salai, Teynampet,
Chennai - 600 018.

3.The Manager
State bank of India,
City Branch, Coimbatore - 641001.

4.Mr.R.Sivasubramanian

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the Impugned E Auction Sale Notice passed by the 2nd respondent in his proceedings Arcil/SME/Chennai-OPS/2019-29/304 dated 13.02.2020 and quash the same as illegal arbitrary and thereby set aside the sale made on 05.03.2020 consequently directing the bank to permit the petitioner to redeem the property situated at R.S.F.No. 195/2 in Door No.145 and 146 Perur Main Road, Selvapuram, Coimbatore.

For Petitioner .. Mr.M.Dinesh

For Respondents .. R1-Tribunal
Mr.Shivakumar for
M/s.Shivakumar & Suresh for R2
Mr.K.Chandrasekaran for R3
Mr.M.S.Krishnan, Sr. Counsel
for Mr.S.Mukunth
for M/s.Sarvabhauman Associates for R4

ORDER

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

Challenging the e-auction Sale Notice issued by the 2nd respondent in his proceedings Arcil/SME/Chennai-OPS/2019-29/304 dated 13.02.2020, to set aside the sale and for a consequential direction to the bank to permit the petitioner to redeem the property situated at R.S.F.No. 195/2 in Door No.145 and 146 Perur Main Road, Selvapuram, Coimbatore, the present writ petition has been filed.

2.When the matter is taken up for hearing, the learned counsel appearing for the parties submitted that for the very same relief, the petitioner has filed S.A.No.233 of 2020 before the Debts Recovery Tribunal, Coimbatore.

3. In such view of the matter, we are not inclined to pass any orders in this writ petition. However, the interim order passed with respect to the alienation alone by the fourth respondent shall continue till the disposal of the application filed before the Debts Recovery Tribunal. We direct the Debts Recovery Tribunal to dispose of S.A.No.233 of 2020 within a period of three months from the date of receipt of a copy of this order.

4. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Presiding Officer,
Debts Recovery Tribunal,
Having its office at Coimbatore.

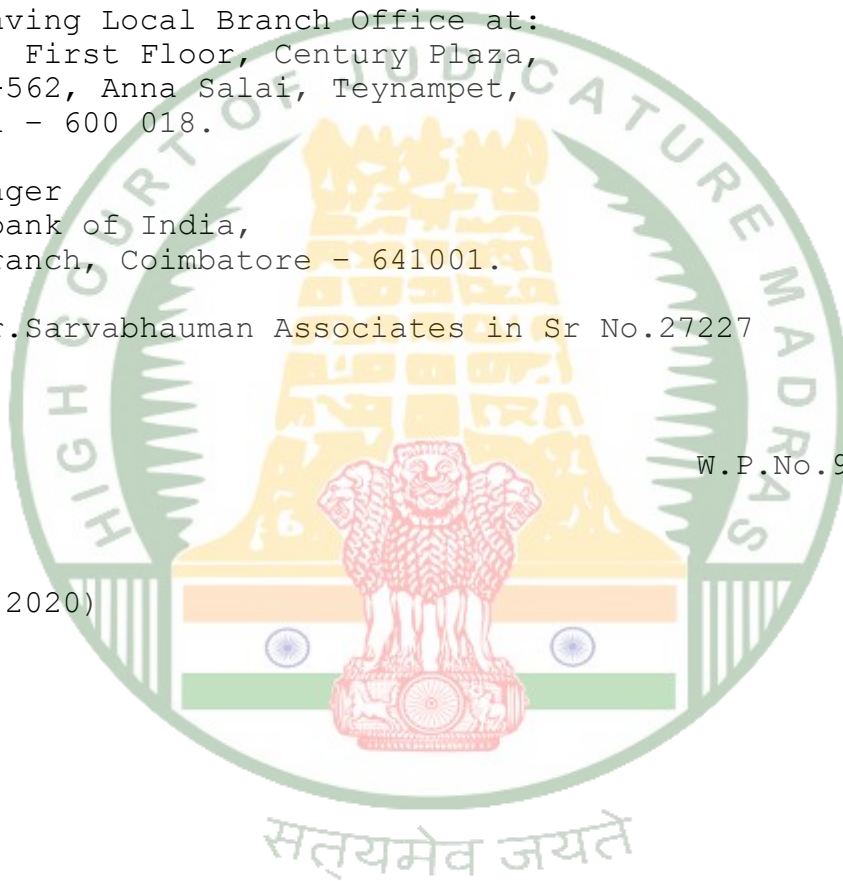
2.The Authorised Officer,
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3.The Manager
State bank of India,
City Branch, Coimbatore - 641001.

+1cc to Mr.Sarvabhauman Associates in Sr No.27227

W.P.No.9492 of 2020

SKS(SO)
RV (01.09.2020)



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