

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

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

W.P.No.10315 of 2020
and
W.M.P.Nos.12532 & 12533 of 2020

M/s.Vetri Knits,
Rep by its Partner,
Mr.R.Anandh,
No.9/72/63, Radhakrishna Street,
Ammapalayam,
Tirupur - 641 652. ... Petitioner

Vs.

- 1.The Authorized Officer,
M/s.Canara Bank,
Asset Recovery Management Branch,
1st Floor, Regional Office,
T.V.Samy Road, R.S.Puram,
Coimbatore - 641 002.
- 2.M/s.Sri Chandra Moulisvar Spinning Mills Pvt. Ltd.,
Rep by its Liquidator,
Mr.Muthiah Thevar Rajapandian,
No.632/3C, Kulathupalayam,
Lakshmi Kalyana Mandapam Road,
Tirupur - 641 605.
- 3.Mr.M.Ravichandran,
(Suspended Director of M/s.Sri Chandra
Spinning Mills Pvt. Ltd.)
S/o.Mandarachalam Chettiar,
No.19, RVE Layout,
Velan Nagar, Tirupur - 641 604.
- 4.M/s.Classic Timbers,
Rep by its Proprietor,
Mr.M.S.A.Khader,
No.289, MTH Road,
Villivakkam, Chennai - 600 049.

5.M/s.Arunkarthik Textiles Pvt. Ltd.,
No.80, Perumal Koil Street,
Tripur - 641 604.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus quashing the E- Auction Sale Notice dated 17.07.2020 published in the Coimbatore Edition of the Indian Express News Paper and Dhinamani on 22.07.2020 issued by the 1st Respondent scheduling the E-Auction on 07.08.2020 and consequently direct the 1st respondent to release the raw cotton 78 bales and process stocks approximately 16,000 kgs from blow room to auto corner area lying in semi-finished form in the 2nd respondent Mill premises to the petitioner herein immediately.

For Petitioner .. M/s.Ami V.Kataria
For Respondents .. Mr.Anand Gopala for R1

ORDER

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

When this writ petition is taken up for hearing, the learned counsel for the 1st respondent submitted that the proposed sale did not take place.

2. In such view of the matter, nothing survives for adjudication in this writ petition. It is also brought to our notice that the petitioner has already approached the Debts Recovery Tribunal, Coimbatore. Therefore, we are not inclined to go into the factual assertions made before this court except giving liberty to the petitioner to pursue the appeal before the Debts Recovery Tribunal, Coimbatore. The Debts Recovery Tribunal is directed to number the appeal in Appeal SR No.3570 of 2020 filed by the petitioner within a period of 10 days from the date of receipt of a copy of this order and dispose of the same on merits and in accordance with law within a period of eight weeks thereafter.

3. This writ petition stands dismissed as infructuous , however, with the directions as indicated above. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

raa / kmk

To,
The Debts Recovery Tribunal, Coimbatore.

+lcc to M/s.Ami V.Kataria , Advocate SR.No. 27240

W.P.No.10315 of 2020

A.SK(09/11/2020)



WEB COPY