

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

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

W.P.No. 10671 of 2020
and W.M.P.No.12956 of 2020

A.Subramanian

..Petitioner

Vs

1. The Chief Manager,
Canara Bank,
Asset Recovery Management Branch,
1st Floor - Regional Office,
T.V.Swamy Road, R.S.Puram,
Coimbatore - 2.
2. The Authorised Officer,
Canara Bank,
Asset Recovery Management Branch,
1st Floor - Regional Office,
T.V.Swamy Road, R.S.Puram,
Coimbatore - 2.
3. The Branch Manager,
Canara Bank,
Kannampalayam Branch,
Coimbatore District.
4. M/s.Jairam Maruti Mills,
Rep by its Managing Partner
A.Rajan,
Moppiriplalayam Road,
Thaneerpandal,
Karumathampatti - 641 659,
Coimbatore District.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order dated 07.07.2020 made in REF. No. ARMCBE/E-AUCT/SUBRAMANIAN/79/2020-21 issued by the 1st respondent and the subsequent auction sale notice dated 17.07.2020 made in REF. No.ARMCB/E-AUCT/JAIRAM MARUTHI/87/2020 dated 17.07.2020 issued by the 2nd respondent, quash the same in respect of item No.2 in B Schedule and consequently direct the respondents 1 and 2 to exclude the residential house situated in S.F.Nos. 405/2 and 406, Samalapuram Village, Palladam Taluk, Coimbatore District.

For Petitioner .. Mr.N.Manokaran

For Respondents .. Mr.Jagadeesan Rajagopalan
for M/s.K.V.Subramanian Associates
for R1 to R3

ORDER

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

The petitioner has come forward to file this writ petition seeking to protect the house property leaving the adjoining agricultural lands on the premise that he is no longer the partner of the borrower whose account stands declared as Non-Performing Asset followed by the proceedings initiated by the respondents 1 to 3/Bank.

2. Though the submission is made on merit, we are not inclined to go into the same. The petitioner has got alternative remedy before the Debts Recovery Tribunal.

3. In such view of the matter, we are inclined to grant a further period of two weeks from the date of receipt of a copy of this order by permitting the auction to go on while restraining the respondents 1 to 3/Bank from confirming the same insofar as the house property of the petitioner alone is concerned.

4. Accordingly, giving liberty to the petitioner to approach the Debts Recovery Tribunal as aforesaid, there shall be an order of stay of confirmation of the auction of the house property of the petitioner while recording the fact that the petitioner does not want to lay challenge to the other agricultural lands.

5. The writ petition stands disposed of accordingly. No costs. Consequently, the connected W.M.P.No. 12956 of 2020 is closed.

Sd/-
Assistant Registrar(CS III)MDU

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Chief Manager,
Canara Bank,
Asset Recovery Management Branch,
1st Floor - Regional Office,
T.V.Swamy Road, R.S.Puram,
Coimbatore - 2.

2.The Authorised Officer,
Canara Bank,
Asset Recovery Management Branch,
1st Floor - Regional Office,
T.V.Swamy Road, R.S.Puram,
Coimbatore - 2.

3.The Branch Manager,
Canara Bank,
Kannampalayam Branch,
Coimbatore District.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.26915

+1cc to Mr.K.V.Subramanian Associates, Advocate, S.R.No.27099

W.P.No.10671 of 2020

VS(CO)
KKV/25/08/2020

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