

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

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

W.P.No.10795 of 2020 &
WMP.Nos.13109, 13110 & 13111 of 2020

1. V.S.Rethenya
2. V.S.Nekeetha Sre ... Petitioners

Vs

1. The Authorised Officer,
M/s City Union Bank,
24B, Gandhi Nagar,
Kumbakonam-612 001.
2. M/s.City Union Bank Ltd.,
Kangayam Branch,
Rep. By its Manager,
Bazaar Street,
Kangayam, Tiruppur District.
3. Shanthi
4. Kamala
5. Vasanthi
6. The Debts Recovery Tribunal, Coimbatore ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records of the Tender-cum-Auction Sale Notice under the SARFAESI, Act, 2002. Notice dated 03/07/2020 issued by the 1st respondent pursuant to the scheduled mentioned property and quash the sale notice dated 03.07.2020.

For Petitioners .. Mr.M.Sivavarthanan
For Respondents .. Mr.R.Sivaraman for RR1 & 2

ORDER

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

The sale notice is sought to be challenged before this Court by the petitioners, who are the legal heirs of the

guarantors, on the premise that the alternative remedy available before the jurisdictional Debts Recovery Tribunal cannot be accessed since it is not functioning till 18th of this month.

2. As the abovesaid position is not disputed by the learned counsel appearing for the respondent/Bank, while permitting the proposed auction sale scheduled to be held today (13.08.2020) to go on, we only direct the respondent bank not to confirm the sale so as to enable the petitioners to pursue the application filed already before the Debts Recovery Tribunal. Accordingly, the aforesaid arrangement is directed to be made for a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is at liberty to get appropriate orders in the pending application before the Debts Recovery Tribunal.

3. The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Authorised Officer,
M/s.City Union Bank Ltd.,
24B, Gandhi Nagar,
Kumbakonam-612 001.
2. The Manager,
M/s.City Union Bank Ltd.,
Kangayam Branch,
Bazaar Street,
Kangayam, Tiruppur Dt.
3. The Debt Recovery Tribunal,
Coimbatore.

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W.P.No.10795 of 2020

AJS (so)
rr ii (07/09/2020)