

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.12324 of 2020
and

W.M.P.Nos.15141 and 15142 of 2020

1.M/s.Frank Creations,
Partnership Firm,
Rep. by its Partners,
Franklin George and Vijay Mohan,
D.No.14/4A, Sakthi Nagar,
Pichampalayampudur,
Thiruppur-641 603.

2.G.Franklin George
S/o George Stephen

3.A.D.Vijay Mohan,
S/oDhandapani

.. Petitioners

-Versus-

1.The Authorized Officer,
Bank of Baroda,
D.No.82, Bank Road, 2nd Floor,
Coimbatore 641 018.

2.The Branch Manager,
Bank of Baroda,
Thiruppur.

3.Palanisamy

4.Goutham

5.The Sub Registrar,
Sub Registrar Office,
Avinashi,
Thiruppur District.

.. Respondents

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Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents from proceeding with further action of the respondents under the SARFAESI on the basis of Sale Deeds bearing Doc.No.4562/2020 and 4563/2020 dated 28.05.2020 executed by the respondents 1 and 2 in favour of the respondents 3 and 4 at the Office of 5th respondent till the disposal of the SA SR No.4061 of 2020 before the Debts Recovery Tribunal, Coimbatore.

For Petitioner .. Mr.M.Saravana Kumar

For Respondents.. Mr.P.Elaya Raja Kumar for
M/s.Ramalingam & Associates
for RR1 and 2

ORDER

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

When the matter is taken up for hearing, it is informed by the counsel on either side that pursuant auction conducted on 20.02.2020, sale certificate has been issued in favour of the auction purchaser which has also been registered. The petitioner has also filed an application challenging the same before the Debts Recovery Tribunal, Coimbatore, in SA SR No.4061/2020 by impleading the auction purchaser. Now, the Tribunal is also functioning.

2. In such view of the matter, the writ petition stands disposed of with a direction to the Debts Recovery Tribunal, Coimbatore, to number the application filed by the petitioner in SA SR No.4061 of 2020 and decide the same on merits and in accordance with law as expeditiously as possible. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mmi/kmk

To

- 1.The Authorized Officer,
Bank of Baroda,
D.No.82, Bank Road, 2nd Floor,
Coimbatore 641 018.

2.The Branch Manager,
Bank of Baroda,
Thiruppur.

3.The Sub Registrar,
Sub Registrar Office,
Avinashi,
Thiruppur District.

4.The Registrar,
Debts Recovery Tribunal,
Coimbatore.

+1cc to Mr.M.Saravanakumar, Advocate, S.R.No. 30173

+2cc to Mr.Ramalingam & Associates, Advocate, S.R.No. 30196

W.P.No.12324 of 2020

PP (CO)
GN(15/10/2020)



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