

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

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

W.P.No.11962 of 2020
and
W.M.P.No.14688 of 2020

Mrs.Bhargavi Reddy, aged about 51 years,
Wife of P.Rajaram,
Dispossessed from New No.10, Old No.5,
Saradambal Street, Gokulam Colony,
T.Nagar, Chennai - 17.
Presently residing at No.7, East Avenue,
Kesavaperumalpuram, R.A.Puram,
Chennai - 600 028.
Rep. by her Power of Attorney,
Mr.P.Rajaram ... Petitioner

Vs.

1.ICICI Bank Limited,
ICICI Regional Tower,
24 SP, Arihant Insight,
2nd Floor, East Wings, DSMG,
Ambattur Industrial Estate,
Ambattur, Chennai - 600 058.

2.S.Ravindranathan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent not to conduct the auction on 09.09.2020 as published through Public Notice for sale dated 24.07.2020 in respect of the petitioner's schedule mentioned property pending disposal of the final decision on the SA's which is pending before the Hon'ble Debts Recovery Tribunal - II, Chennai.

For Petitioner

.. M/s.Ambili Menon for
Mr.P.Tamilselvi

For Respondents

.. Mr.Parthasarathy for R1

ORDER

The petitioner has filed an application before the Debts Recovery Tribunal-II, Chennai, challenging the auction scheduled to be held on 09.09.2020. Now the petitioner has moved this Court apprehending that the said application may not be numbered and taken up for hearing for the purpose of getting an interim order before 09.09.2020 i.e., the date on which the proposed auction is scheduled to be held.

2. Though the learned counsel for the petitioner submitted that there is some technical difficulty in getting the application numbered and taken up for hearing, the learned counsel appearing for the first respondent-bank submitted that the application having been filed already, it is for the petitioner to pursue it in the manner known to law.

3. The petitioner has already filed an application before the Debts Recovery Tribunal-II, Chennai against the proposed auction as stated before us. In such view of the matter, we direct the Debts Recovery Tribunal-II, Chennai to number the same and take it up for hearing for the purpose of considering the stay application filed by the petitioner on 07.09.2020. It is well open to the first respondent-Bank to make its appearance on that date and contest the matter.

4. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Presiding Officer,
Debt Recovery Tribunal-II
Chennai.

W.P.No.11962 of 2020

SS (CO)
RV(17/09/2020)