

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

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

W.P.No.11948 of 2020
and
W.M.P.Nos.14669 to 14671 of 2020

- 1.M/s. Sri International,
Rep. by its Partner N.Ramalingam,
No.6/A, Gayathri Nagar, Palayakkadu,
Uthukuli Road, Tiruppur - 641 601.
- 2.N.Ramalingam
- 3.R.Valarmathi ... Petitioners
- Vs.
- 1.The Auhtorized Officer,
M/s. Central Bank of India,
No.2, Court Street Branch,
Tiruppur - 641 601.
- 2.M/s. Central Bank of India,
Rep by its Manager,
No.2, Court Street Branch,
Tiruppur - 641 601.
- 3.The Debts Recovery Tribunal,
Coimbatore. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the Sale Notice under the SARFAESI Act, 2002 notice dated 31.07.2020 issued by the 1st respondent pursuant to the schedule mentioned property and quash the sale notice dated 31.07.2020.

For Petitioner .. Mr.M.Sivavarthan

For Respondents .. Mr.M.L.Ganesh
for R1 and R2

ORDER

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

This writ petition has been filed challenging the sale notice dated 31.07.2020 for the sale scheduled to take place on 04.09.2020 on the sole premise that the earlier application filed by the petitioner challenging the notice issued under Section 13(4) of the SARFAESI Act is yet to be taken up for hearing along with the application for stay and the Presiding Officer is not available.

2.Mr.M.L.Ganesh, learned counsel, taking notice for the respondents 1 and 2 submitted that the Tribunal is functioning every Tuesday till regular Presiding Officer assumes charge.

3.From the facts submitted it appears that the sale is scheduled to take place on 04.09.2020. Therefore, some interim order will have to be passed in favour of the petitioner so as to enable the petitioner to get further orders before the Tribunal in the pending application or by way of filing a fresh application as the petitioner may choose.

4.In such view of the matter, the writ petition stands disposed of directing the respondents to proceed with the auction but not to confirm the sale till 08.09.2020. The petitioner can move the Tribunal seeking appropriate order in the pending application or by filing a fresh one which can be taken up for hearing on 08.09.2020. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

raa/kmk

To

1.The Debts Recovery Tribunal,
Coimbatore.

W.P.No.11948 of 2020

raa/kmk

A.SK (03/09/2020)