

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

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

W.P.No. 12083 of 2020
& W.M.P.Nos. 14816, 14817 & 14820 of 2020

1.C.Sundarrajan
2.S.Sulochana .. Petitioners

vs

1. The Authorised Officer
M/s City Union Bank Ltd, 24B Gandhi Nagar,
Kumbakonam 612 001.
2. M/s. City Union Bank Ltd
Veerapandi Branch,
Rep by its Manager Usha
Complex No. 4/9 Palladam Road Veerapandi
Tiruppur 641 605.
3. The Debts Recovery Tribunal
Coimbatore. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the Re-Tender cum Auction Sale Notice under the SARFAESI Act 2002 C.O/ REC/NPA/ 2020-2021 dated 13.08.2020 issued by the 1st Respondent pursuant to the schedule mentioned property and quash the sale notice dated 31.07.2020.

For Petitioners .. Mr.M.Sivavarthanan

For Respondents .. Mr.R.Sivaraman, for R1 & R2
R3 - Tribunal

ORDER

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

The petitioner has come forward to file this writ petition challenging the re-tender cum auction sale notice dated 13.08.2020 issued by the first respondent on the premise that there is some difficulty in getting appropriate orders in the

pending application in S.A.No. 262 of 2020 in view of the non-functioning of the Presiding Officer.

2. Learned counsel appearing for respondents 1 and 2/Bank submitted that though the regular Presiding Officer is not functioning, there is an in-charge officer and, therefore, the petitioner can very well get the order, if so advised. It is further submitted that auction is scheduled to be held tomorrow - 04.09.2020.

3. By way of reply, the learned counsel appearing for the petitioner submit that for the entire case coming within the jurisdiction of Tirupur, Coimbatore and Karur districts, only one hour of time is allotted and that too in a week.

4. Considering the submissions made and without going into the merits of the case, we direct the Debts Recovery Tribunal, Coimbatore having jurisdiction over the matter in which the application filed by the petitioner in S.A.No. 262 of 2020 is stated to be pending, to consider the stay application, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the proposed auction shall go on but the same shall not be confirmed. Respondents 1 and 2/Bank is also at liberty to put forth its case before the Debts Recovery Tribunal, Coimbatore.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1.The Debts Recovery Tribunal
Coimbatore.

VBA (CO)
RMP (06/11/2020)

W.P.No. 12083 of 2020