

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.20034 of 2020
and
W.M.P.No.24711 of 2020

K.Raj Prasanth

...Petitioner

Vs.

Canara Bank,
Represented by its Authorised Officer,
Dharapuram Branch,
Post Box No.9,
No.4, Big Bazaar Street,
Tirupur District - 638 656.Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to sale notice dated 07.12.2020 issued by the respondent Bank under section 13 (4) of the SARFAESI Act r/w Rule 8 (6) of the Security Enforcement Rules as null and void and consequently direct the respondent to consider the representation dated 03.12.2020.

For Petitioner : Mr.Sethuraman
for Mr.G.Senthilkumar

सत्यमेव जयते
O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The petitioner made a challenge to the e-auction sale notice, dated 28.10.2020, published on 29.10.2020, in and by which the secured property was sought to be brought for auction sale to be held on 30.11.2020, by filing S.A.No.446 of 2020, and pending disposal of the same, the petitioner also sought for interim relief in I.A.No.1664 of 2020. When the hearing of the Interlocutory Application was taken up on 03.12.2020 before the Debts Recovery Tribunal at Coimbatore, it was brought to the

knowledge that no auction sale took place on 27.11.2020, and the S.A. was ordered to be dismissed as withdrawn. While filing S.A.(SR) No.7229 of 2020, for numbering the matter, possession notice was insisted, however, since it has not been served on the petitioner/the petitioner is not in possession of the same, the petitioner submitted a representation, dated 03.12.2020, to the respondent Bank, and despite receipt and acknowledgment on 05.12.2020, on 07.12.2020, sale notice has been issued fixing auction sale on 30.12.2020, and prays for appropriate orders.

2.This Court has carefully considered the submissions of the learned counsel appearing for the petitioner, and also perused the materials placed before it.

3.Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim as projected by the petitioner, directs the respondent Bank to consider and dispose of the petitioner's representation, dated 03.12.2020, on or before 28.12.2020, and communicate the decision taken to the petitioner, through e-mail or any permissible mode.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Authorised Officer,
Canara Bank,
Dharapuram Branch,
Post Box No.9,
No.4, Big Bazaar Street,
Tirupur District - 638 656.

WEB COPY

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SRA(CO)
KKV/30/12/2020