



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.13387 of 2020

and

W.M.P.(MD) No.11170 of 2020

S.Umadevi

... Petitioner

Vs.

1.The Presiding Officer,
Debts Recovery Tribunal,
IV Floor, Kalyani Towers,Melur Road,Madurai.

2.The Authorized Officer,
Karur Vysya Bank,Asset Recovery Branch,
R.S.No.170/9, Uthankudi Village,
Near Mattuthavani Bus Stand,
Madurai - 625 107.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 1st Respondent dated 23.09.2020 made in I.A.No.999 of 2020 in S.A.No.229 of 2020 and quash the same.

For Petitioner	:	Mr.S.Suresh
For 2nd Respondent	:	Mr.R.Pandivel
		Standing Counsel

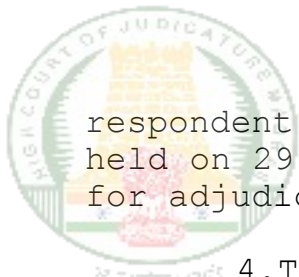
O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

The petitioner availed financial assistance from the Karur Vysya Bank and in view of the default committed by her, recovery action has been initiated under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002. The respondent bank in order to recover the dues had issued the sale notice dated 03.09.2020, fixing the date of auction of the secured immovable assets on 29.09.2020. The writ petitioner challenging the same, filed S.A.No.229 of 2020 before the Debts Recovery Tribunal and also filed I.A.No.999 of 2020 in order to stay further proceedings. The Debt Recovery Tribunal vide order dated 23.09.2020 has dismissed the said interlocutory application. Challenging the same, the present Writ Petition has been filed.

2.Heard Mr.S.Suresh, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel, who accept notice on behalf of the second respondent.

3.The learned Standing Counsel appearing for the second



respondent on instructions would submit that in the auction sale held on 29.09.2020, there was no bidders and as such nothing remains for adjudication in this Writ Petition.

4.The learned counsel for the petitioner would submit that in the light of the tenable points raised in S.A.No.229 of 2020, this Court may direct the Debts Recovery Appellate Tribunal to give due preference and give an earlier disposal.

5.This Court considered the rival submissions and perused the materials available on record.

6.In the light of the submission made by the learned Standing Counsel for the second respondent on instructions that the auction sale held on 29.09.2020 did not yield any desired result for want of bidders, no further adjudication is necessary in this Writ Petition and therefore, this Writ Petition is closed. It is open to the petitioner to approach the Debts Recovery Appellate Tribunal, Madurai, to file an application for early disposal of S.A.No.229 of 2020 and as and when such application is filed, the Debts Recovery Appellate Tribunal is required to pass appropriate orders. Consequently, connected Miscellaneous Petition is closed. However, in the circumstances of the case, there shall be no order as to the costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

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W.P. (MD) No.13387 of 2020 and

W.M.P. (MD) No.11170 of 2020

30.09.2020

AL (CO)

AP (12/10/2020) 2P 3C

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