

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.669 of 2021
and W.M.P.No.732 of 2021

Mr.M.Ravichandran

... Petitioner

Versus

- 1.Canara Bank
rep.by its Authorized Signatory
ARM Branch, 1st Floor, Regional Office,
No.166, TV Swamy Road,
R.S.Puram, Coimbatore 641 002.
- 2.The District Collector / District Magistrate,
District Collectorate,
Palladam Road, Tirupur 641 604.
- 3.The Revenue Divisional Officer,
near by North Police Station & Sub Court,
Tiruppur 641 602.
- 4.The Tahsildar,
Taluk South Office,
Sevanthapalayam,
Tirupur 641 606.
- 5.The Sub-Collector,
Palladam Road,
Tirupur 641 604.
- 6.The Commissioner of Police,
Sirupooluvapatti,
Tirupur City 641 687.
- 7.The Inspector of Police
Veerapandi Police Station
Palavanjipalayam
Tirupur 641 605.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari to quash the order in Ref.No.15834/2017/C3 dated 09.04.2018 passed by the 2nd respondent in respect of properties mentioned in Item No.1&2 of Schedule-'B' therein, as the same is null and void.

For Petitioner : Mr.B.A.Prabhu Shankar

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through video conferencing]

The petitioner, admittedly made a challenge to the order of the 2nd respondent dated 09.04.2018, passed under Section 14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and filed S.A.No.170/2018 on the file of the Debts Recovery Tribunal, Coimbatore and pending disposal of the same, has also having the benefit of interim order in respect of item nos.3 and 4 in I.A.No.1017/2018 and according to the learned counsel appearing for the petitioner, the interim order granted is being extended from time to time.

2. The primordial submission made by the learned counsel appearing for the petitioner is that item nos.1 and 2 of the secured assets have already been sold and once those properties have been sold, it is not open to the 1st respondent to invoke Section 14(1) of the SARFAESI Act to get actual physical possession and prays for interference.

3. This Court has considered the arguments advanced by the learned counsel appearing for the petitioner and also perused the materials placed before it.

4. Admittedly, challenge in the form of S.A.No.170/2018 is pending in respect of the order dated 09.04.2018 passed by the 1st respondent and in this Writ Petition once again challenge has been made to the very same order by raising the above said new ground. In the considered opinion of this Court, there cannot be any parallel adjudication in respect of one and the same impugned order and if the petitioner is so advised and if it is permissible under law, he is at liberty to workout the same by raising an additional ground before the Debts Recovery Tribunal, Coimbatore, wherein S.A.No.170/2018, is pending.

5. In the result, the Writ Petition is dismissed, subject to above observations. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sk
To

- 1.The Authorized Signatory
Canara Bank,
ARM Branch, 1st Floor, Regional Office,
No.166, TV Swamy Road,
R.S.Puram, Coimbatore 641 002.
- 2.The District Collector / District Magistrate,
District Collectorate,
Palladam Road, Tirupur 641 604.
- 3.The Revenue Divisional Officer,
near by North Police Station & Sub Court,
Tiruppur 641 602.
- 4.The Tahsildar,
Taluk South Office,
Sevanthapalayam,
Tirupur 641 606.
- 5.The Sub-Collector,
Palladam Road,
Tirupur 641 604.
- 6.The Commissioner of Police,
Sirupooluvapatti,
Tirupur City 641 687.
- 7.The Inspector of Police
Veerapandi Police Station
Palavanjipalayam
Tirupur 641 605.

Copy to

The Registrar,
Debit Recovery Tribunal,
Coimbatore.

+lcc to Mr.S.V.Pravin Rathinam, Advocate Sr.1164
+lcc to the Government Pleader Sr.1646

WP.No.669 of 2021

mg[co]
srg 09/02/2021



WEB COPY