

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.1736 of 2021

Shanthi ... Petitioner

-vs-

1.Authorised Officer,
Punjab National Bank,
(Secured Creditor) No.448-A,
Dr.Nanjappa Road,
Coimbatore 641 018.

2.R.Rajendran

3.Mary Maragatham

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to callfor the records of the 1st respondent E.Auction Notice dated 24/12/2020 in C.S. Hi5 Enterprise -2020 issued under the Securitization and Re- construction of Financial Assets and Enforcement of Secrurity Interest Act 2002 read with Rule 8 (6) of the Security Interest Enforcement Rules 2002 and quash the same and further direct the 1st respondent / bank not to take any cocercive steps in bringing the petitioner property 11th ward in T.s.No.1187 (Part) in Block 22 site No.9 at Door No.39/69 Sir Shanmugham Road R.S. Puram Coimbatore 641 002. for E.Auction on 29/01/2021.

For Petitioner

: Mr.K.Balakrishnan

For Respondent

: Mr.M.L.Ganesh for R-1

ORDER

(Made by The Hon'ble Chief Justice)

The writ petitioner has, quite curiously, chosen to approach this Court under Article 226 of the Constitution of India despite the writ petitioner challenging the measures taken by the respondent-secured creditor before the appropriate Debts Recovery Tribunal.

2. Apart from the writ petitioner indulging in multiplicity of proceedings, the writ petitioner cannot demonstrate that the respondent-secured creditor has acted in excess or error of jurisdiction or contrary to the statutory provisions or otherwise in an unfair or arbitrary manner.

3. In such circumstances, the writ petition is found to be utterly unmeritorious.

W.P.No.1736 of 2021 is dismissed. There will be no order as to costs. Consequently, W.M.P.Nos.1940 and 1941 of 2021 are also dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

W.P.No.1736 of 2021

A.SK(17.02.2021).

सत्यमेव जयते

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