

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.1883 of 2021

1.K.Shanmugam
2.Saraswathi Ammal ... Petitioners

-vs-

1.The Recovery Officer,
O/o Debts Recovery Tribunal,
2nd and 3rd Floor, Jawans Bhawan,
T.B.Road,
Coimbatore - 641 018.
2.State Bank of India,
Sathyamangalam Branch,
Kongu Nagar,
Sathyamangalam,
Erode District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the first respondent from conducting the E-Auction sale scheduled on 29.01.2021 in respect of the petitioner's property in S.F.No.260/1, 260/2, 260/3, 260/4, 260/5, 261/4 and 261/5 in Sathyamangalam Taluk, Shenbagapudur Village, Erode District without properly fixing the reserved price as contemplated under the law.

For Petitioners : Mr.Jayaprakash
for Mr.M.Guruprasad

For Respondents : Mr.M.L.Ganesh
for respondent No.2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

This is another of the matters where the pre-deposit required to be made is attempted to be dodged by resorting to a petition under Article 226 of the Constitution ahead of the regular statutory remedy under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

2. Since there is an efficacious alternative remedy available to the writ petitioners and the primary grievance pertains to the reserved price fixed by the respondent bank, which is essentially a dispute on facts, the writ petitioners are given liberty to approach the appropriate forum in accordance with law. The writ petition is not entertained on the grounds indicated above.

W.P.No.1883 of 2021 stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.2131 and 2134 of 2021 are closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To:

1.The Recovery Officer,
O/o Debts Recovery Tribunal,
2nd and 3rd Floor, Jawans Bhawan,
T.B.Road,
Coimbatore - 641 018.

2.State Bank of India,
Sathyamangalam Branch,
Kongu Nagar,
Sathyamangalam,
Erode District.

Bs co

A.SK(16.02.2021) .

W.P.No.1883 of 2021