

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM :

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

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.4239 of 2018
and W.M.P.No.5226 of 2018

V.Ponnusamy

.. Petitioner

-vs-

- 1.The Registrar,
Debts Recovery Appellate Tribunal,
Egmore, Chennai 600 008.
- 2.The Branch Manager,
State Bank of India, Alangudi Branch,
Alangudi - 622 301, Pudukottai District.
- 3.The Authorized Officer,
State Bank of India, Region-II,
Zonal Office, Mc.Donalds Road,
Thiruchirapalli-620 001.
- 4.Devi
- 5.G.Thiruppathy
- 6.Abinaya
- 7.Veerappan
(Secretary No.3 Primary Agriculture
Co-Operative Society) Therodum Keezha Veedhi,
Alangudi-622 301, Pudukottai District.
- 8.The Registrar,
Debts Recovery Tribunal III,
Chennai, Chennai-600 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the impugned order dated 03.07.2017 passed in R.A. (SA) 218/2010 on the file of the Hon'ble DRAT Chennai and to

quash the said impugned order and the consequent action, being grossly illegal, not tenable in law.

For Petitioner : Ms.Anuradha Balaji

For Respondents : Mr.G.Senthil Kumar
for R-2

ORDER

(Made by The Hon'ble Chief Justice)

This is a crude attempt by a defaulting borrower to ward off the bank and the steps taken against the secured asset despite the proven default.

2. The extraordinary jurisdiction under Article 226 of the Constitution has been invoked to challenge an order of July 3, 2017, passed by the Debts Recovery Appellate Tribunal. Unfortunately, the petitioner has been able to keep the matter pending in this Court for a substantial period of time.

3. The subject-matter of the appeal before the Debts Recovery Appellate Tribunal was an auction conducted by the bank of the secured assets or some of them. An initial sale notice was published, but the appropriate price could not be fetched on the appointed date and the auction was re-scheduled to be held again. The contention of the petitioner herein before the Debts Recovery Tribunal was that a subsequent auction could not be conducted without a fresh sale notice being published. Some infraction of Rule 8 (6) of the Security Interest (Enforcement) Rules, 2002, was also alleged. The Appellate Tribunal appears to have given due consideration to the contention on merits and repelled them. There does not appear to be any infirmity in the decision-making process. A fair opportunity of being heard was afforded to the appellant, the appellant's objections were noted and due consideration given thereto before rendering the final findings.

4. In the limited scope of judicial review exercised in this extraordinary jurisdiction, it is the decision-making process that falls for scrutiny rather than the decision itself, unless the decision appears to be absurd to the meanest mind or is grossly disproportionate to the acts complained of. Once it is seen that a reasonable procedure was adopted by the judicial or the quasi-judicial body in course of its assessment and cogent reasons were furnished in support of the findings, the Writ Court will not supplant its findings for that of the authority whose order is challenged.

There is no merit in the petition and W.P.No.4239 of 2018 is dismissed. The bank will be free to pursue its interest in accordance with law. There will be no order as to costs. Consequently, W.M.P.No.5226 of 2018 stands closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Registrar,
Debts Recovery Appellate Tribunal,
Egmore, Chennai 600 008.
- 2.The Branch Manager,
State Bank of India, Alangudi Branch,
Alangudi - 622 301, Pudukottai District.
- 3.The Authorized Officer,
State Bank of India, Region-II,
Zonal Office, Mc.Donalds Road,
Thiruchirapalli-620 001.
- 4.The Registrar,
Debts Recovery Tribunal III,
Chennai-600 002.

+1cc to Mr.S.Sethuraman, Advocate SR.10169

+1cc to M/s.S.Anuradha Balaji, Advocate SR.10146

सत्यमेव जयते

W.P.No.4239 of 2018

AK(CO)

CB(04/03/2021)

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