



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.17408 OF 2021

V.Vijayalakshmi

...Petitioner

Vs

- 1 The Authorised Officer
Indian Overseas Bank Regional Office Law
Department 20-21 Kamarajar Street
Kancheepuram - 631501.
- 2 The Senior Manager
Indian Overseas bank
1-A Vellala Street
Kundrathur Branch
Chennai - 69.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent dated 10.03.2021 in his proceedings RO / LAW / 443 / 2020-21 and the letter of the 2nd respondent dated 03.03.2021 and quashed the same and further direct the respondents to issue sale certificate to the petitioner for the property of vacant land measuring 1980 Sq.ft comprised in Survey No. 364/1 and 364/2A New Survey No. 364/1D located at plot NO. 899 Pallavan Nagar Katrambakkam Village Sriperumbudur Taluk Kancheepuram District.

For Petitioner : Mr.B.Jawahar

ORDER

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

The petitioner, who had participated at an auction-sale conducted by the respondent secured creditor under the



Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, complains of the cancellation of the sale despite the same having been confirmed.

2. To begin with, a sale of the present kind cannot be said to have been concluded till the sale certificate is issued. Apart from the fact that it is unclear from the petition as to whether the entire consideration has been tendered, there is a degree of latitude that the authorised officer of a secured creditor invoking the provision of the said Act of 2002 enjoys under the Security (Enforcement) Rules, 2002.

3. At any rate, the matter pertains to a measure taken by the respondent secured creditor under Section 13(4) of the Act. Section 17 of the Act permits any person aggrieved by a measure taken by a secured creditor under Section 13(4) of the Act to complain to the jurisdictional Debts Recovery Tribunal in such regard.

4. Accordingly, since there is an efficacious alternative remedy available to the petitioner to approach a statutory forum in such regard, this extraordinary jurisdiction under Article 226 of the Constitution could not have been invoked.

5. W.P.No.17408 of 2021 is dismissed without entering into the merits of the matter and by leaving the petitioner free to approach the appropriate Debts Recovery Tribunal in accordance with law. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

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To:

- 1 The Authorised Officer
Indian Overseas Bank Regional Office Law
Department 20-21 Kamarajar Street
Kancheepuram - 631501.



2 The Senior Manager
Indian Overseas Bank
1-A Vellala Street, Kundrathur Branch
Chennai - 69.

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AJS (CO)
SU(02/09/2021)