

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM :

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

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8984 of 2021 and
W.M.P.No.9506 of 2021

P.Asokan ... Petitioner

-vs-

1.The Authorised Officer,
Canara Bank,
Asset Recovery Management Branch,
No.170, Eldams Road,
Teynampet, Chennai 18

2.K.S.Sivakumar

3.Suresh Jain

4.Manikandan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to auction conducted by the 1st respondent based on e auction notice dated 11.02.2021 vide Ref:ARM E AUCTION/HIGRADE SHOES/01/2020-21, quash the same and consequently direct the 1st respondent to conduct the auction afresh.

For Petitioner : Ms.D.Geetha

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ORDER

(Made by The Hon'ble Chief Justice)

The petitioner is a guarantor in respect of credit facilities granted by the first respondent bank to some of the other respondents. The petitioner complains of the manner in which the first respondent secured creditor purported to conduct the e-auction on March, 24, 2021.

2. According to the petitioner, though a higher bid of Rs.65.50 lakh was made at the on-line auction, the secured creditor purported to close the auction at Rs.64.50 lakh. The petitioner says that it is the obligation of a seller, particularly the authorised officer of a secured creditor, to obtain a best price for an asset put up for sale since the higher the price obtained, the lesser the burden on the borrower.

3. Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 permits any person aggrieved by the measures taken by a secured creditor under Section 13 (4) of the Act to approach the appropriate Debts Recovery Tribunal having jurisdiction. Accordingly, the petitioner ought to have approached such forum ahead of invoking this extraordinary jurisdiction.

4. Since there is an efficacious alternative remedy available to the petitioner in terms of the relevant statute, the writ petition is not entertained and the petitioner is left free to pursue the remedies before the appropriate forum.

W.P.No.8984 of 2021 is disposed of. There will be no order as to costs. Consequently, W.M.P.No.9506 of 2021 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SRA

To

1. The Authorised Officer,
Canara Bank,
Asset Recovery Management Branch,
No.170, Eldams Road,
Teynampet, Chennai 18.

2. The Registrar,
Debts Recovery Tribunal.

W.P.No.8984 of 2021 and
W.M.P.No.9506 of 2021

PL(CO)
TE(27/04/2021)