

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.9219 of 2020

1.M/s.RMR Spinning Mills Pvt. Ltd. (Head Off)
rep. by its Managing Director R.M.Rajamanickam,
No.14, 14A, Thennampalayam Extn.
Cross Street,
Tiruppur - 641 604.

2.M/s.RMR Spinning Mills Pvt. Ltd., (Head Off),
rep. by its Director R.Jagadeeshwaran,
No.14, 14A, Thennampalayam Extn.
Cross Street,
Tiruppur - 641 604.

... Petitioners

(2nd petitioner impleaded as per order
dated 20.1.2021 in WMP No.811/2021
in W.P.9219/2020 by MSNJ & AANJ))

Vs

1.The Authorized Officer,
Union Bank of India
(Erstwhile Corporation Bank)
Industrial Finance Branch,
1604, Trichy Road,
Coimbatore - 641 018.

2.Union Bank of India,
Industrial Finance Branch,
1604 Trichy Road,
Coimbatore - 641 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the first respondent's proceedings in e-auction published in "THE NEW INDIAN EXPRESS" on 24.6.2020 and scheduled held on 17.7.2020 is illegal and quash the same and consequential direction directing the 2nd respondent to brought the e-auction under the SARFAESI Act, 2002 in item No. A is extracted 13(4)

notice of the spinning mill property was measuring about 12 acres situated in SF Nos.311/1, 2, 3, 312/1 and 313, Anaipatti Road, Musuvanoothu Village, Nilakottai Taluk, Dindigul District.

For Petitioners : Mr.K.Rajendra Prasad

For Respondents : Mr.N.Sivabalan
for 1st respondent

ORDER

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

The petitioners says that the petition was instituted at a time during the lockdown when the appropriate Debts Recovery Tribunal was not functioning.

2. The writ petition was received in such circumstances and an order was made staying the confirmation of the sale of the secured assets in view of the non-availability of the forum for the writ petitioners to air their grievance. Now that the relevant Debts Recovery Tribunal is functioning, the writ petition has lost all meaning and force. The petitioners should approach the appropriate Debts Recovery Tribunal with the grievance for the same to be adjudicated upon in accordance with law.

3. The order staying the confirmation of the sale of the assets will remain in force for a fortnight from date, whereupon it will dissolve without further reference to this Court, unless it is expressly extended by the appropriate Debts Recovery Tribunal.

W.P.No.9219 of 2020 is disposed of on the above basis and without any order as to costs. Consequently, W.M.P.Nos.11245 and 11247 of 2020 are closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sasi

To:

1.The Authorized Officer,
Union Bank of India
(Erstwhile Corporation Bank)
Industrial Finance Branch,
1604, Trichy Road,
Coimbatore - 641 018.

2.The Union Bank of India,
Industrial Finance Branch,
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Coimbatore - 641 018.

+lcc to Mr.K.Rajendra Prasad, Advocate Sr.10454

+lcc to Mr.S.Sethuraman, Advocate Sr.10164

W.P.No.9219 of 2020

rv[co]
srg 05/03/2021



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