



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.18854 of 2021

and

W.M.P.No.20140 of 2021

Gnanasekaran

..Petitioner

Vs.

1. The Authorised Officer
Union Bank of India
Vembadithalam
Salem - 637 504.

2. K.Gowri

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to restrain the respondents 1 and 2 from further alienate or dispossess the property from petitioner which is situated at D.No.10/479, Asaripatrai Street, Puliyampatty, Eadanagasali Town Panchayat Sankari Taluk, Salem District which is an extent of 825 Sq.fts., of land with residential building till the disposal of the SA No.475/2020 filed by the petitioner pending before the Debt Recovery Tribunal of Coimbatore.

For the Petitioner : Mr. M.Saravanakumar

ORDER

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

There is no merit in the petition and it appears to be a desperate attempt by a defaulter to cling on to a property that has already been sold by the respondent secured creditor in favour of the second respondent herein.

2. At any rate, the petitioner's remedy lies before the



Debts Recovery Tribunal or the Appellate Tribunal. It is evident that the petitioner has challenged the steps taken by the respondent secured creditor under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by way of S.A.475 of 2020. It also appears that the petitioner may not have complied with the conditions imposed by the appropriate Debts Recovery Tribunal. The petitioner preferred an appeal and was required to put in a deposit, which may also not have been put in.

3. In such circumstances, when the petitioner is in default and the petitioner did not comply with the conditional orders passed by the appropriate tribunal and appellate tribunal, the petitioner could not have invoked this extraordinary jurisdiction. There is no equity in favour of the petitioner.

Accordingly, W.P.No.18854 of 2021 is dismissed. W.M.P.No.20140 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sra / kst

To:

The Authorised Officer
Union Bank of India
Vembadithalam
Salem - 637 504.

Copy To

The Registrar,
Debt Recovery Tribunal,
Coimbatore.

W.P.No.18854 of 2021

MG(CO)
RGA(17/09/2021)