



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021
CORAM

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. No. 2342 of 2021 and
C.M.P.Nos.14878 and 14880 of 2021

M/s.V.K.S.Agro Foods Hi Tech Rice Industry,
Represented by its Partner, S.Dhanavel,
Vellottamparapu, Nadupalayam,
Erode - 648 154

...Appellant/Petitioner

vs

1. The Tahsildar,
Erode Taluk,
Erode District - 638 011.

2. IDBI Bank Ltd.,
Represented by its Authorized Officer,
No.66, Aanoor Amman Complex,
Sathy Main Road,
Erode - 638 003.

3. SKM Animal Feeds and Foods (India),
Private Limited, Represented by its
Managing Director Dr.M.Chandrasekar,
SKM Corporate Office, No.101,
Inarniyam Street, Karur Bypass Road,
Erode - 638 002.

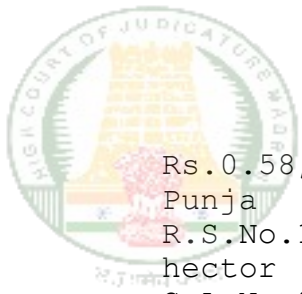
4. Mr.D.Arun Sakthi
(R4 impleaded vide order of this
Court dated 23.06.2021 made in
W.M.P.No.10965)

...Respondents/Respondents

Prayer: Writ Appeal filed under clause 15 of the Letters Patent
praying to set aside the order in W.P.No.19433 of 2020 dated
29.07.2021 on the file of this Court.

PRAYER W.P.No.19433 of 2020:

Writ Petition filed under Article 226 of the Constitution of
India seeking a Writ of Mandamus directing the first respondent
to consider any patta application in respect to the property
situate at Old S.F.No.1232 & 1229-E, Patta Nos.3258, 3253 & 1518
for this R.S.No.1363/2C, Punja hector No.0.12.0 for this kist



Rs.0.58, R.S.No.1363/3, Punja hector 0.43.0, R.S.No.1363/4, Punja hector 0.05.5 R.S.No.1363/5, punja hector 0.44.0 R.S.No.1363/6, punja hector 0.08.0, totally admeasuring punja hector 1.12.5, Erode village, only after adjudication of S.A.No.250/2020, pending on the file of the Debts Recovery Tribunal, Coimbatore and for consequential orders.

For Appellant : Mr.V.Raghavachari
For Respondent -1 : Mr.D.Ravichander,
State Government Counsel.
For Respondent -3 : Mr.S.Thanavel

JUDGMENT

[Judgment of Court was delivered by PUSHPA SATHYANARAYANA, J.]

The Writ Appeal is directed against the dismissal order dated 29.07.2021 passed by the learned Single Judge in W.P.No.19433 of 2020, which was filed by the Principal Debtor, who has questioned e-auction and sale before the Debts Recovery Tribunal (DRT), Coimbatore by filing an application in S.A.No.250 of 2020 and the same is pending.

2. The third respondent was the successful bidder in the auction sale conducted in respect of the property in question under the SARFAESI proceedings and the sale certificate was also issued in his favour and the same was duly registered. The application is pending before the DRT under Section 17 of the SARFAESI Act, challenging the auction sale notice. Now, the dispute is with respect to actual possession of the property and transfer of patta.

3. The learned counsel, who appeared for the third respondent-auction purchaser, specifically contended that merely because an application under Section 17 is filed, it will not automatically amount to stay of the proceedings. It is also stated that the conditional order passed by the DRT was not complied with by the appellant herein.

4. The prayer in the writ petition is to direct the Tahsildar, Erode/the first respondent herein, not to consider the patta application of the third respondent till the final adjudication of S.A.No.250 of 2020. Thought it is an independent proceeding of the Revenue authorities to transfer patta, as the appellant has already preferred an application before the DRT, which is pending and the property having been purchased by the third respondent, who has got right and interest over the property, it will be in the interest of justice that the appeal is disposed of by the DRT, Coimbatore, within a period of three months.



5. Accordingly, the Debts Recovery Tribunal, Coimbatore is directed to dispose of S.A.No.250 of 2020 within a period of three months from today. Once the final order is passed in S.A.No.250 of 2020, the revenue authorities may process the patta application of the third respondent in terms of the said order. If S.A.No.250 of 2020 is not disposed of within the time stipulated for any reasons, it is open to the Revenue authorities to process the application of the third respondent in accordance with law. The above order is passed only to avoid multiplicity of proceedings.

6. With the above direction, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

1.The Tahsildar,
Erode Taluk,
Erode District

2.The Debts Recovery Tribunal,
Coimbatore.

+1 cc to Mr.V.Raghavachari, Advocate, Sr.No.47421
+1 cc to the Government Pleader, Sr.No.47554

W.A. No. 2342 of 2021 and
C.M.P.Nos.14878 and 14880 of 2021

SMI (CO)
KKV/17/09/2021