



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.P. (MD) No. 2187 of 2021

and

W.M.P. (MD) No. 1823 of 2021

Dr. S. Venkatesh Babu

: Petitioner

Vs.

1. The Authorized Officer,
City Union Bank Ltd.,
Credit Recovery and Management Department,
Administrative Office,
No. 24-B, Gandhi Nagar,
Kumbakonam - 612 001,
Thanjavur District.

2. The Branch Manager,
City Union Bank Ltd.,
Tirunelveli Branch,
At No. 93, East Car Street,
Tirunelveli Town,
Tirunelveli.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari to call for the records of the impugned order passed in I.A. No. 77 of 2021 in S.A. No. 21 of 2021 by the Debts Recovery Tribunal, Madurai, dated 02.02.2021 and quash the same and consequently, forbearing the respondents from conducting the e-auction sale today, in pursuant to the sale notice dated 23.12.2020.

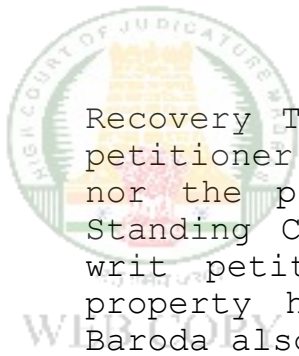
For Petitioner : Ms. K. Esakki

For Respondents : Mr. Pala Ramasamy,
Standing Counsel

ORDER

(Order of the Court was made by **M.M. SUNDRESH, J.**)

In this proceedings, the petitioner, who is the borrower, challenges the rejection of the interim application by the Debts
<https://hcservices.ecourts.gov.in/hcservices/>



Recovery Tribunal, Madurai. The learned Counsel appearing for the petitioner submitted that neither the proper procedure is followed, nor the property is liable for attachment. However, the learned Standing Counsel appearing for the respondents submitted that the writ petition is not maintainable and that apart, the subject property has been mortgaged by the petitioner with the Bank of Baroda also.

2. We are not inclined to entertain this writ petition. The only remedy open to the petitioner is to file an appeal before the Debts Recovery Appellate Tribunal. However, taking into consideration of the fact that the properties involved are both residential house, apart from agricultural land, we are inclined to grant two weeks time from the date of receipt of a copy of this order to the petitioner to file an appeal before the jurisdictional Debts Recovery Appellate Tribunal, while directing the respondents to maintain *status-quo*, as on date, till then.

3. With the above observation and directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Gk

To

The Debts Recovery Tribunal, Madurai

+1 CC to M/s.K.ESAKKI, Advocate (SR-3619[F] dated 05/02/2021)

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05.02.2021

VB (15.02.2021) 2P 3C