



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) Nos.8268 and 8276 of 2021
and
WMP(MD) .Nos.6262 and 6254 of 2021

W.P.(MD) No.8268 of 2021

D.Kanagaraj

.. Petitioner

Vs

1. The Branch Manager,
State Bank of India,
Samathanapuram Branch,
Palayamkottai, Tirunelveli.
2. The Chief Manager/Authorised Officer,
State Bank of India,
Samathanapuram Branch,
Palayamkottai, Tirunelveli - 627 002.
3. The Sub-Registrar,
Office of the Sub-Registrar,
Ambasamudram Main Road,
Melapalayam, Tirunelveli District.

4. S.Bhuvana Sugantha

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ calling for records from the file of the second respondent and quash the SALE CERTIFICATE dated 04.12.2019 issued by the second respondent in favour of the fourth respondent and registered in the Office of third respondent under Document No.7652/2019 under SARFAESI Act and also pass appropriate order.

W.P.(MD) No.8276 of 2021

D.Kanagaraj

.. Petitioner

Vs



1. The Branch Manager,
State Bank of India,
Samathanapuram Branch,
Palayamkottai, Tirunelveli.
2. The Chief Manager/Authorised Officer,
State Bank of India,
Samathanapuram Branch,
Palayamkottai, Tirunelveli - 627 002.
3. The Sub-Registrar,
Office of the Sub-Registrar,
Ambasamudram Main Road,
Tirunelveli District.
4. Shiek Mhammed Ibrahim
5. E.Krishnan
6. M.Faizal Samsul Hudha ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for records from the file of the second respondent and quash the SALE CERTIFICATE dated NIL issued by the second respondent in favour of the fourth respondent and also direct the third respondent to cancel the ENTRY OF REGISTRATION No.7137/2019 dt.12.11.2019 under SARFAESI Act and for appropriate order.

For Petitioner	: Mr.K.Suresh Subramanian in both W.Ps
For respondents	: Mr.K.Sathiya Singh, Additional Government Pleader for R3 in both W.Ps

COMMON ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner has filed these writ petitions, challenging the sale certificate issued by the second respondent in favour of the fourth respondent. The prayer sought for in these writ petitions are not maintainable before this Court, as the remedy for the petitioner lies before the Debt Recovery Tribunal.

2. The learned Counsel appearing for the petitioner submitted that the petitioner had filed a SARFAESI appeal before the Debt Recovery Tribunal, which has been returned on the ground that it is



barred by limitation and the challenge to the sale deed is not maintainable. The learned Counsel for the petitioner submitted that the application has not been returned and it is only an office note. It is further submitted that the office note has also not been approved. If according to the petitioner, the application is maintainable, nothing prevents the applicant to represent the same.

3. Accordingly, while declining to grant the relief as sought for, we direct the petitioner to represent the papers before the Debt Recovery Tribunal, along with the note as to how the applications are not barred by limitation and as to how the applications are maintainable. The copy of this order shall also be enclosed. If such papers are represented along with the note, the Debt Recovery Tribunal shall receive the same and pass a speaking order on the said applications.

4. The appellants shall represent the papers within two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Sub-Registrar,
Office of the Sub-Registrar,
Ambasamudram Main Road,
Tirunelveli District.



2. The Registrar,
Debt Recovery Tribunal,
Madurai.

WEB COPY

W.P. (MD) Nos.8268 and 8276 of 2021
23.04.2021

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