



WEB COPY

WP(MD)No.8019 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.8019 of 2020

and WMP(MD)Nos.7451, 7457 & 7459/2020

(Through Video Conferencing)

M/s.Sri Veeramakali Rice Mill

Rep. by its Proprietor C.Pandi

: Petitioner

Vs.

1.The Registrar

Debts Recovery Appellate Tribunal

4th Floor, Indian Bank Circle Office,

55 Ethiraj Salai, Chennai.

2.The Authorized Officer,

Canara Bank

Karaikudi Branch

No.56/57 Chekkalai Road,

Karaikudi

Sivagangai District.

3.The Branch Manager,

Canara Bank Karaikudi Branch

No.56/57 Chekkalai Road,

Karaikudi

Sivagangai District.

4.M/s.Naruvizhi Ambal Land Promoters,

and Constructions (P) Ltd.,

rep. by its P.Krishnan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order of sale certificate passed by the 2nd respondent in his proceedings dated 20.12.2019 and quash the same and consequently directing the 2nd respondent not to hand over the delivery and possession of the petitioner's schedule property bearing in S.Nos.81/8, 81/5 and 81/14B1 to 81/14B4 to an extent of 94 cents along with Sriveerakaliamman rice mill situated at Sorgavasal Street, Pallathur, Karaikudi Sivagangai District to the 4th respondent.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.Pala Ramasamy for R2 & R3



ORDER

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

Inasmuch as the appeal is pending before the DRAT, the petitioner can work out all the remedies before the said forum. It is well open to the petitioner to contend that the proceedings initiated and concluded during the pendency also would be subject to the appeal. Considering the fact that appeal in AIR (SA) No.381/2019 is pending, the same would be disposed of within three months from the date of receipt of a copy of this order.

2.The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

The Registrar

Debts Recovery Appellate Tribunal
4th Floor, Indian Bank Circle Office,
55 Ethiraj Salai, Chennai.

+1 CC to M/s.PALA.RAMASAMY, Advocate (SR-13103[F] dated 23/03/2021)

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-13692[F] dated 25/03/2021)

W.P. (MD)No.8019 of 2020

Dated: 23.03.2021

SRK(CO)

KB(11.05.2021) 2P 4C