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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.06.2021

CORAM :

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

W.P.(MD) No.9310 of 2021
and
WMP(MD).Nos.7836, 7031 to 7033 of 2021

R.Perumal Raj .. Petitioner

Vs

1. The Authorised Officer,
   Indian Overseas Bank,
   Regional Office,
   Plot No.40, 80 Feet Road,
   Aringar Anna Nagar,
   Madurai District.

2. The Branch Manager,
   Indian Overseas Bank,
   Collectorate Branch,
   Dindigul District.

3. Mr.S.Sasikumar ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, to call for the records relating the impugned sale certificate issued by the first respondent herein in RO/MDU/LAW/154/2019-20, dated 30.01.2020 and quash the same as illegal.

For Petitioner : Mr.V.B.Sundhareshwar

For respondents : Mr.N.Dilip Kumar for R1 and R2

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ORDER

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

The petitioner has filed this writ petition challenging the sale certificate issued by the respondent-bank pursuant to the sale of the property, which has been mortgaged by the petitioner for the secured loan transaction.

2. Admittedly, till date, the petitioner has not challenged any of the measures taken by the respondent-bank under the SARFAESI Act for recovery of loan. As against the impugned sale certificate, the petitioner ought to have filed an appeal before the Debt Recovery Tribunal and the writ petition is not maintainable. The petitioner has also expressed one more grievance that the property is the dwelling house and the property has been locked and sealed by the respondent-bank and he requests to unlock and unseal the premises; so that, the petitioner is able to take his belongings, which are alleged to be kept inside the house. It is not clear as to whether the properties are vacant properties or whether any movable articles are inside the premises.

3. Since we are of the view that challenge to the sale certificate is not maintainable, we cannot issue any positive direction in this writ petition. However, we give liberty to the petitioner to approach the respondent-bank for necessary relief, which shall be considered in accordance of law.

4. With the above observation, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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.*

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2. The Branch Manager,
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   Collectorate Branch,
   Dindigul District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-19325[F] dated 15/06/2021)

+1 CC to M/s.SUNDHARESHWAR.V.B., Advocate (SR-19407[F] dated 16/06/2021)

W.P.(MD) No.9310 of 2021

14.06.2021

CN(21.06.2021) 3P 5C

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