



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10414 of 2021

and

W.M.P.[MD]Nos.8095 and 8096 of 2021

M/s.ASL represented by its
Proprietor, M.Dhasarathan,
S/o. Munusamy,
No.6/1 Khajamian Street,
Khaja Nagar, Trichy-620 020.

... Petitioner

Vs.

1.The Branch Manager,
Asset Recovery Branch
The Karur Vysya Bank Limited,
R.S.No.170/9 Mattuthavani-Melur Road,
Near Mattuthavani Bus Stand,
Mattuthavani, Madurai-625 107.

2.The Authorized Officer,
Encore Asset Reconstruction Company
Private Limited Corporate Office,
5th Floor, Plot No.137,
Sector-44, Gurugram,
Haryana-122 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to Debt Recovery Tribunal, Madurai made in I.A.No.836 of 2021 in S.A.No.221 of 2021 on the file of Debt Recovery Tribunal, Madurai, dated 20.05.2021, quash the same.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.R.Pandivel

O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.R.Sundar, learned Counsel appearing for the petitioner and Mr.R.Pandivel, learned Counsel appearing for the respondents.



3.The petitioner has filed this Writ Petition challenging the order passed by the Debt Recovery Tribunal in a stay petition filed in a SARFAESI Appeal in S.A.No.221/2021. The said petition was dismissed on the ground that the earlier conditional order has not been complied with by the petitioner.

4.Admittedly, the present writ petition is not maintainable, because, if the petitioner is aggrieved by the order of the Debt Recovery Tribunal, he has to prefer an appeal before the Debt Recovery Appellate Tribunal. However, taking note of the submission made by Mr.R.Pandivel, learned Counsel appearing for the respondents that the sale which was notified did not fructify as there were no bidders, the appeal filed by the petitioner before the Debt Recovery Tribunal in S.A.No.221 of 2021, itself becomes infructuous. Therefore, there is no necessity for us to interfere with the impugned order. However, we make it clear that in the event the respondent issues a fresh sale notice, it is always open to the petitioner to work out his remedy in accordance with law.

5.Accordingly, the Writ Petition is disposed of, by making it clear that the writ petition is not maintainable. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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.

ORDER MADE IN
W.P. [MD]No.10414 of 2021

22.06.2021