



WEB COPY

W.P.(MD) No.10589 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.10589 of 2021

and

W.M.P. (MD) Nos.8245 & 8246 of 2021

T.Kamaraj

... Petitioner

-vs-

1.The Authorized Officer

Canara Bank

HO-112, JC Road

Bangalore-560 002

2.The Authorized Officer

Canara Bank

Zonal Office, First Floor

Muthaiah Towers

Williams Road, Trichy-01

3.The Branch Manager

Canara Bank

SME Branch

Deenadayal Nagar

Thiruverambur

Trichy-620 013

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned proceedings of the 2nd respondents E-auction sale notice dated 10.06.2021 published in Hindu-Tamil daily news paper and quash the same as illegal.

For Petitioner : Mr.Karthikraja.D.

For Respondents : Mr.N.Dilip Kumar

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains of the measures taken by the respondent secured creditor in respect of credit facilities obtained by the petitioner and the securities furnished in such regard.



2. Since there is an efficacious alternative remedy available to the petitioner under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the writ petition need not be entertained. Though the petitioner says that the Debts Recovery Tribunal may not have been functional for sometime, it is confirmed by the secured creditor that the Debts Recovery Tribunal is very much functional at the moment. There is no doubt that if the petitioner pleads urgency and refers to the action proposed to be taken on June 29, 2021, the appropriate Debts Recovery Tribunal will sit to take up the matter as expeditiously as possible.

3. W.P.(MD) No.10589 of 2021 is dismissed without going into the merits thereof.

4. There will be no order as to costs. Consequently, W.M.P. (MD) Nos.8245 & 8246 of 2021 are closed.

Sd/-

Assistant Registrar(CS-II)

// 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.

+2 CC to M/s.N.DILIP KUMAR, Advocate SR-20268 & 20272[F] dated 25/06/2021

+1 CC to M/s.D.KARTHIK RAJA, Advocate SR-20397[F] dated 28/06/2021

W.P. (MD) No.10589 of 2021

and

W.M.P. (MD) Nos.8245 & 8246 of 2021

25.06.2021

NA (CO)

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