



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2021

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No. 8624 of 2019

and

W.M.P(MD)Nos.6725 to 6727 of 2019, 6750 of 2019 and 8654 of 2021

WEB COPY

N.Manikandan

.. Petitioner

Vs

- 1.The District Collector,
Tirunelveli.
- 2.The Managing Director/Chief Executive Officer,
Indian Bank(Corporate Office),
No.254-260, Avvai Shanmugam Salai,
Royapettah, Chennai - 600 014.
- 3.The Authorized Officer/Chief Manager,
Indian Bank, Tirunelveli Junction Branch,
Tirunelveli.
- 4.The Branch Manager,
Indian Bank, Tenkasi Branch, Tenkasi.
- 5.The Zonal Manager,
1/17, Second Floor, GRR Building,
New Bus Stop, STC Road,P.K.Nagar,
Perumalpuram, Tirunelveli.
- 6.M/s.John Saw Mill Private Limited,
represented by its Managing Director,
Mr.S.Maria John,
No.10/2, John Saw Mill Complex,
Seevalaperi Road, Palayamkottai,
Tirunelveli District.
- 7.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 8.The Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram,
Tirunelveli District.



9.S.Balakrishnan,
The Chief Manager/Authorized Officer,
Indian Bank, Tirunelveli Junction Branch,
Tirunelveli.

10.Sasikala,
The Branch Manager,
Indian Bank, Tenkasi Branch,
Tenkasi, Tirunelveli District.

11.William Felix,
Advocate,
Member of the Sathankulam Advocates
Bar Association,
Sathankulam,
Tuticorin District.

(R11 suo-motu impleaded as 11th respondent as per order of this
Court dated 10.4.2019) .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned sale notice issued by the third respondent in favour of the sixth respondent, registered as Document No.675/2019, on the file of the Sub-Registrar, Pavoorchathiram and to quash the same and consequently to direct the third respondent to proceed in accordance with law.

For Petitioner	:	Mr.H.Arumugam
For Respondents	:	Mr.P.Thilak Kumar
1,7 and 8		Govt.Pleader
For Respondents	:	Mr.Pala Ramasamy
2 to 4		
For Respondent-6	:	Mr.J.Ashok
For Respondent-11	:	Mr.N.Dilip Kumar

ORDER

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

The writ petitioner questions the sale of an asset by the secured creditor. Various grounds have been taken, including that the reserve price which was indicated was only a fraction of the actual value of the property.

2.Since the remedy of any person aggrieved by any measure taken by a secured creditor under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is to be carried to the appropriate Debt Recovery

<https://hcservices.ecourts.gov.in/hcservices/>



Tribunal under Section 17 of the said Act, the writ petitioner barked up the wrong tree in invoking this extraordinary jurisdiction.

3.W.P(MD).No.8624 of 2019 is dismissed. However, the writ petitioner will be free to approach any other forum that may be entitled to receive the grievances indicated in the petition in accordance with law.

There will be no order as to costs. W.M.P(MD)Nos.6725 to 6727 of 2019, 6750 of 2019 and 8654 of 2021 are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PM/PJL

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 District Collector, Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Pavoorchathiram Police Station,
Pavoorchathiram, Tirunelveli District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-30539[F] dated 28/09/2021)

+1 CC to M/s.SPL.GP (SR-30664[F] dated 29/09/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-30679[F] dated 29/09/2021)

W.P. (MD) No. 8624 of 2019

28.09.2021

RK (06.10.2021) 3P 7C