



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.14988 of 2020

and

W.M.P. (MD) Nos.12625, 12627 & 12632 of 2020

Valarmathi

: Petitioner

Vs.

1.State Bank of India,
Rep. by its Authorised Officer,
Chidambaram Nagar Branch,
Perumalpuram Main Road,
Thoothukudi,
Thoothukudi District.

2.N.Thomas

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned sale proceedings dated 09.04.2020 in respect of the petitioner's Housing Term Loan Account No.67011032397 on the file of the 1st respondent and quash the same and consequently, issue a direction for appointment of an Advocate / Commissioner to assess the value of the mortgaged house building with the assistance of a Chartered Engineer and to file a report and to conduct fresh auction by fixing the fair upset price based on the report of the Advocate / Commissioner.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.Ananth C.Rajesh
for R.1
Mr.G.Velavadas
for R.2

ORDER

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

This writ petition has been filed by the petitioner challenging the impugned sale proceedings, dated 09.04.2020.

2. The learned Counsel appearing for the petitioner submitted that the inability has occurred only due to the Covid-19 pandemic situation.

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



3. The learned Counsel appearing for the 1st respondent / Bank submitted that much water has flown under the bridge. The sale certificate was registered and possession has been taken under Section 14 of the SARFAESI Act.

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4. In view of the above, the remedy open to the petitioner is only to knock the doors of the jurisdictional Tribunal. Accordingly, this writ petition is closed and liberty is granted to the petitioner to approach the jurisdictional Tribunal. Taking note of the fact that the petitioner has approached this Court, four weeks time from the date of receipt of a copy of this order is granted to the petitioner to approach the jurisdictional Tribunal, if he so advised. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Gk

+2 CC to Mr.ANANTH C.RAJESH, Advocate (SR-3212,3572[F] dated 04/02/2021)

W.P. (MD) No.14988 of 2020

03.02.2021

VB (12.02.2021) 2P 3C