



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM :

WEB COPY

**THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN**

**W.P. (MD) No.22661 of 2021
and
W.M.P. (MD) .No.19167 of 2021**

M/s.S.K.B.Mahal,
represented by its Proprietrix,
Muthu Prabhu,
2/107, MR Colony,
Pallapatti Main Road,
Sivakasi - 626 189.

.. Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Sivakasi Branch,
No.77-78 South Car Street,
Sivakasi.

2.The Branch Manager,
Canara Bank,
Sivakasi Branch,
No.77-78,
South Car Street,
Sivakasi - 626 123.

.. Respondents.

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of the respondent Bank namely, e-auction sale notice which was issued on 26.11.2021 and quash the same as illegal, void, ab-initio, without jurisdiction and abuse of process of law.

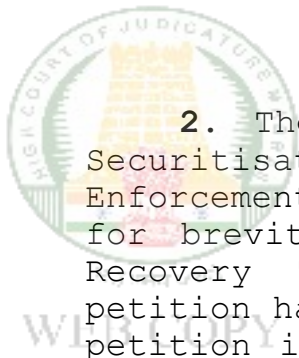
For Petitioner : Mr.P.Thirumahilmaran

ORDER

**[Order of the Court was made by
PUSHPA SATHYANARAYANA, J]**

By this writ petition, a challenge is made to the possession notice under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002.

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



2. The petitioner is having remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter 'the Act' for brevity] but without maintaining an appeal before the Debts Recovery Tribunal [hereinafter 'DRT' for brevity], this writ petition has been filed. The precise reason for filing of this writ petition is the absence of the Presiding Officer at DRT, Madurai. The ground aforesaid could have been taken only after filing the appeal, as otherwise, it has to be within the limitation provided under Section 17 of the Act. It is more so, when in the absence of the Presiding Officer at DRT, Madurai, matters are being taken up by DRT, Coimbatore on Fridays.

3. In view of the above, the petitioner prays for withdrawal of the writ petition with liberty to maintain an appeal before the DRT, Madurai.

4. If the aforesaid appeal is filed within limitation and if it remains in order, DRT, Madurai is directed to transmit the matter to DRT, Coimbatore for hearing of the appeal on **21.01.2022**.

5. The writ petition is disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Vsn

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 Presiding Officer,
Debts Recovery Tribunal,
Madurai.

2.The Presiding Officer,
Debts Recovery Tribunal,
Coimbatore.

W.P. (MD) No.22661 of 2021
22.12.2021