



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM :

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.22707 of 2021

and

W.M.P. (MD) .No.19181 of 2021

M.Kathiravan

.. Petitioner

Vs.

1. The Authorized Officer,
Tamil Nadu Mercantile Bank Limited,
Thoothukudi Regional Office,
(For Thiruchendur Branch),
Thoothukudi.

2. The Branch Manager,
Tamil Nadu Mercantile Bank Limited,
Thiruchendur Branch,
Thoothukudi District.

.. Respondents.

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari filed Mandamus calling for the records relating to Sale Notice issued by the first respondent, dated 6.12.2021 and to quash the same and consequently to direct the respondents 1 and 2 not to proceed with the sale and physical possession of the property.

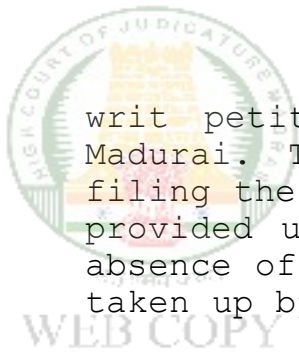
For Petitioner : Mr.A.Joseph Jerry
For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

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

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 **17.01.2022**.

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.

+1 CC to M/s.N.DILIPKUMAR,Advocate (SR-40289[F] dated 23/12/2021)

W.P. (MD) No.22707 of 2021

22.12.2021

USK (30.12.2021) 2P 4C