



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) .No.22900 of 2021

and

W.M.P (MD) No.19367 of 2021

WEB COPY

Mrs.M.Shanthi

.. Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
No.7, South Masi Street,
Srivaikunda,
Thoothukudi District-628 601.

2.The Branch Manager,
Canara Bank,
Srivaikundam Branch,
No.7, South Masi Street,
Srivaikundam,
Thoothukudi District-628 601

.. Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records of the impugned E-Auction Sale Notice dated 29.11.2021 issued by the 1st respondent and quash the same.

For Petitioner : Mr.RJ.Karthick

ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.,)

This Writ Petition is filed for the issuance of a Writ of Certiorari, to quash the impugned E-Auction Sale Notice, dated 29.11.2021 issued by the first respondent.

2.Heard Mr.RJ.Karthick, learned counsel appearing for the petitioner and perused the materials placed before this Court.

3.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 every Fridays.

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

5.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 29.12.2021.

6.This Writ Petition is disposed of with the aforesaid directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ns

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,
Debt Recovery Tribunal, Madurai.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-40129[F] dated 23/12/2021)

**W.P. (MD) .No.22900 of 2021
and W.M.P(MD)No.19367 of 2021
22.12.2021**

NSN(CO)

SP(12-01-2022) 2P 4C
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