



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.23233 of 2021

and

W.M.P(MD)No.19654 of 2021

M.Selvam

... Petitioner

Vs.

The Authorized Officer,
Canara Bank,
Thevaram Branch,
Thevaram,
Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in impugned sale notice dated 30.11.2021 and quash the same and consequently forbearing the respondent from conducting e-auction on 31.12.2021 in pursuant to the impugned sale notice issued by the respondent dated 30.11.2021.

For Petitioner : Mr.K.Guhan
For Respondent : Mr.P.Vadivel

ORDER

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

The petitioner had been the recipient of a notice, dated 30.11.2021, issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the Act').

2. With respect to any dispute arising under Section 13(4) of the Act, necessary application should be filed before the Debts Recovery Tribunal.

3. It is informed by Mr.K.Guhan, learned counsel appearing for the petitioner, that the Debts Recovery Tribunal at Madurai, is not functioning.



4.The petitioner had the benefit of nearly four weeks from the date of issuance of notice. The petitioner had not taken necessary legal steps to protect his own interest. The petitioner has to file necessary application before the Debts Recovery Tribunal and this Court cannot interfere with that procedure at this particular stage.

5.With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps/lr

+1 CC to M/s.K.GUHAN, Advocate (SR-40522[F] dated 29/12/2021)

W.P (MD) No.23233 of 2021
29.12.2021

MGJ(07.01.2022) 2P 2C