



WEB COPY

W.P.[MD]No.23305 of 2021

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.23305 of 2021

and

W.M.P.[MD]Nos.19743 & 19744 of 2021

M/s.Cape Traditions Private Limited,
Survey No.884/2A (S.No.8884/2 Part),
Therku Valliyur Part 1 Village,
Kadambankulam Road,
Rani Mangammal Salai,
Kalanthagapanai, Radhapuram Taluk,
Thirunelveli District,
Rep. by its Director,
Mr.G.Antony Miraculas

... Petitioner

Vs.

Authorised Officer / Branch Manager,
The Tamil Nadu Industrial
Investment Corporation Ltd.,
5c/5b, Sakunthala Shopping,
Complex II Floor,
Thiruvananthapuram Road,
Vannarpettai,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the E-Auction notice dated 16.12.2021 issued by the respondent and quash the same.

For Petitioner	: Mrs.L.Victoria Gowri
For Respondent	: Mr.C.Lakshmanan
	For M/s. Aiyar & Dolia

O R D E R

[Order of the Court was made by **C.V.KARTHIKEYAN, J.**]

The Writ Petition has been filed in the nature of a Certiorari, questioning an E-Auction notice dated 16.12.2021 issued by the first respondent / Authorised Officer / Branch Manager, Tamil Nadu Industrial Investment Corporation Limited.



2.Heard Mrs.L.Victoria Gowri, learned Counsel appearing for the writ petitioner and also Mr.C.Lakshmanan, learned Counsel who takes notice on behalf of the respondent.

3.It appears that questioning the proceedings instituted by the respondent before the Debts Recovery Tribunal at Madurai, the petitioner had already filed S.A.No.184 of 2021 and questioning the possession notice dated 19.03.2020 issued under Section 13(4) of the SARFAESI Act, the petitioner had also filed I.A.No.648 of 2021.

4.The grievance of the learned counsel for the petitioner is that though the Debts Recovery Tribunal has issued notice in the said Interlocutory Application and though counter-affidavit has also been filed, in the teeth of the pendency of the said Interlocutory Application, the respondent has issued the impugned notice which can be termed as an E-Auction notice dated 16.12.2021, fixing the date of auction on 28.01.2022.

5.It will only be appropriate that the petitioner if they had not filed any Interlocutory Application questioning the E-Auction notice, be permitted to file necessary Interlocutory Application. If such an Interlocutory Application is filed by the petitioner, the Debts Recovery Tribunal, Madurai is placed under an obligation to hear that particular Interlocutory Application questioning the E-Auction notice and pass orders on the same after following due procedure on or before **21.01.2022**. We hope that both parties would co-operate with the Debts Recovery Tribunal to dispose of the said application, if at all filed, within 21.01.2022. Let it be done in the manner known to law.

6.With the said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR/LM

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. Authorised Officer / Branch Manager,
The Tamil Nadu Industrial
Investment Corporation Ltd.,
5c/5b, Sakunthala Shopping,
Complex II Floor,
Thiruvananthapuram Road,
Vannarpettai,
Tirunelveli District.

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RD(6.01.2022) 3P 3C

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