



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No.2098 of 2022 and
W.M.P.No. 2249 of 2022

Sasikumar

.. Petitioner

v.

1. M. Anandabalaji

2. Tamil Nadu Mercantile Bank Limited,
Pollachi Branch,
Rep. By its Authorized Officer,
Door Nos. 76 & 77,
New Scheme Road, Pollachi.

3. Mrs. Vidhya

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order dated 01.09.2021 passed in A.I.R.No.85 of 2021 on the file of DRAT, Chennai and quash the same.

For Petitioner : Mr.R.Imayavaramban

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner, who is the auction purchaser, has filed the above Writ Petition to issue of Writ of Certiorari, to call for the records pertaining to the impugned order dated 01.09.2021 passed in A.I.R.(SA) No.85 of 2021 on the file of the Debt Recovery Appellate Tribunal, Chennai and to quash the same.

2. Challenging the sale notice issued by the 2nd respondent-bank, the 1st respondent filed an appeal in S.A.No.261 of 2019 on the file of the Debts Recovery Tribunal, Coimbatore and the Tribunal dismissed the appeal on



3. Challenging the same, the 1st respondent filed an appeal before the Debt Recovery Appellate Tribunal, Chennai in A.I.R.(SA) No.85 of 2021. In the said appeal, the Debt Recovery Appellate Tribunal, by order dated 01.09.2021, granted an order of status quo. Challenging the same, the auction purchased has filed the above Writ Petition.

4. In the affidavit filed in support of the Writ Petition, though in paragraph No.11, the petitioner has stated that he was put in physical possession of the property, nearly after two years of making full payment, in paragraph No.13, he has stated that the possession of the property is only in paper and he is unable to enjoy the property.

5. In the averments stated in paragraph 13, it is clear that the petitioner-auction purchaser is not in possession of the property in question. In such circumstances, we do not find any error or irregularity in the order passed by the Debt Recovery Appellate Tribunal. In such view of the matter we are not inclined to entertain the Writ Petition. It is also brought to the notice of this court by the learned counsel for the petitioner that the post of Chairperson, Debt Recovery Appellate Tribunal, is lying vacant and that in the event of such post being filled up, the Debt Recovery Appellate Tribunal may be directed to dispose of the appeal expeditiously. In view of the submissions made by the learned counsel for the petitioner, in the event of the post of Chairperson, Debt Recovery Appellate Tribunal, is being filled up, the Debt Recovery Appellate Tribunal may consider the disposing of the appeal in A.I.R.(SA) No.85 of 2021, expeditiously.

With the above observations, the Writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Authorized Officer,
Tamil Nadu Mercantile Bank Limited,
Pollachi Branch, Door Nos. 76 & 77,
New Scheme Road, Pollachi.

2. The Debt Recovery Appellate Tribunal, Chennai.

+2 ccs to Mr.Ramalingam, Advocate Sr.NO. 8704

W.P. No.2098 of 2022 and

W.M.P.No. 2249 of 2022

gpl (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(21.02.2022)