

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.NO.1164 OF 2022
AND
W.M.P.NO.1229 OF 2022

E.M.Muruganantham

... Petitioner

.Vs.

The Authorized Officer,
M/s.Union Bank of India,
Tirupur Main Branch,
No.300/1, Mangalam Road,
Near Diamond Theater,
Tirupur - 641 604.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, calling for the records pertaining to the order dated 15.12.2021 in I.A.No.3472 of 2021 in S.A.No.816 of 2021 on the file of Debts Recovery Tribunal, Coimbatore and quash the same.

For Petitioner : Mr.K.J.Parthasarathy

For Respondent : Mr.A.Arun Babu

O R D E R

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

Challenging the sale notice dated 22.11.2021 fixing the sale of the mortgaged property on 15.12.2021, the borrower filed an appeal in S.A.No.816 of 2021 on the file of Debts Recovery Tribunal, Coimbatore.

2. The Debts Recovery Tribunal, by order dated 15.12.2021, while granting an order of interim stay, called upon the petitioner to pay a sum of Rs.60,00,000/- [Rupees sixty lakhs only] in two installments of Rs.30,00,000/- [Rupees thirty lakhs only] each. Challenging the said order, the borrower has filed the above Writ Petition.

3. Mr.A.Arun Babu, learned counsel taking notice for the respondent submitted that the auction scheduled to be held on 15.12.2021 was not conducted for want of bidders, hence, the prayer sought for in the Writ Petition as well as before the Debts Recovery Tribunal has become infructuous. Further, the learned counsel submitted that the respondent-bank will issue another sale notice and bring the property for sale.

4. Mr.K.J.Parthasarathy, learned counsel appearing for the petitioner submitted that in the event of the respondent issuing fresh sale notice, a liberty may be granted to the petitioner to challenge the same in accordance with law and also give liberty to the petitioner to raise all the grounds available to him before the Debts Recovery Tribunal.

5. Recording the submissions made by the learned counsel on either side, the Writ Petition is dismissed as infructuous. However, we make it clear that in the event of the respondent issuing fresh sale notice, it is open to the petitioner to challenge the same in accordance with law raising all defences available to him. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Authorized Officer,
M/s.Union Bank of India,
Tirupur Main Branch,
No.300/1, Mangalam Road,
Near Diamond Theater,
Tirupur - 641 604.

2. The Debts Recovery Tribunal,
Coimbatore.

+1cc to Mr.A.Arun Babu, Advocate, S.R.No.8158

W.P.NO.1164 OF 2022 AND
W.M.P.NO.1229 OF 2022

PMK(CO)
PBS/18/02/2022