



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM :

WEB COPY

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7051 of 2022

1. M/s. Visharam Tanners Common Facility  
Centre Pvt. Ltd.  
No.305/1D, C.Abdul Hakeem Road  
Melvisharam, Vellore 632 509  
rep. by the Managing Director  
Ashraf Ali Muthu.
2. Ashraf Ali Muthu (Managing Director)  
M/s. Visharam Tanners Common Facility  
Centre Pvt. Ltd.  
Vellore 632 509
3. Ashokan Ramasamy (Director)  
M/s. Visharam Tanners Common Facility  
Centre Pvt. Ltd.  
Vellore 632 509
4. Shapillai Abdul Hafeez (Director)  
M/s. Visharam Tanners Common Facility  
Centre Pvt. Ltd.  
Vellore 632 509
5. Basheer Ahmed Khader Ibrahim (Director)  
M/s. Visharam Tanners Common Facility  
Centre Pvt. Ltd.  
Vellore 632 509

...Petitioners

Vs.

1. The Authorised Officer  
Canara Bank  
Park Town Branch  
No.34, ESHI Towers  
Thiruvengadam Street  
Periamet  
Chennai 600 003.



2. The Executive Director  
Council for Leather Exports  
CMDA Tower-II, 3rd Floor  
Gandhi-Irwin Bridge Road, Egmore  
Chennai 600 008.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the entire records pursuant to the e-auction sale notice issued by the first respondent vide Ref: CB/PKT/SALE/VISHARAM TANNERS-2 dated 08.02.2022 and quash the same.

For the Petitioner : Mr.T.P.Prabakaran

#### ORDER

(Order of the Court was made by  
the Hon'ble Chief Justice)

The writ petition has been filed challenging the auction sale notice after serving notice under Section 13(4) of the SARFAESI Act, 2002.

2. An appeal against the notice under Section 13(4) of the Act of 2002 was preferred by the petitioners before the Debts Recovery Tribunal. Pending the said appeal, the present writ petition has been filed seeking an interim order against the auction sale, though they could have moved the Debts Recovery Tribunal by making an appropriate application or by pressing the pending appeal. A simultaneous proceedings to challenge the auction notice by filing the writ petition is not maintainable. Further, when the alternative remedy was available and the same was availed by the petitioners, there is no point in entertaining the writ petition.

3. In view of the above, the writ petition is dismissed. However, the petitioners may pursue their appeal before the Debts Recovery Tribunal. Consequently, WMP Nos.7081 & 7082 of 2022 are also dismissed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar



kpl/drm

To:

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1. The Authorised Officer  
Canara Bank  
Park Town Branch  
No.34, ESHI Towers  
Thiruvengadam Street  
Periamet  
Chennai 600 003.
2. The Executive Director  
Council for Leather Exports  
CMDA Tower-II, 3rd Floor  
Gandhi-Irwin Bridge Road, Egmore  
Chennai 600 008.
3. The Registrar  
Debt Recovery Tribunal I  
Chennai

+1 CC to Mr.T.P.Prabakaran, Advocate sr 20817.

W.P.No.7051 of 2022

RSI (CO)  
SP(05/04/2022)