



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.05.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12164 of 2022
and WMP.No.11610 of 2022

Mrs.Sumathi Selvakumar ... Petitioner

Vs.

The Karur Vysya Bank Ltd.,
Rep. by its Chief Manager/Authorized Officer,
No.2/165, Avinashi Road,
Opp.KGM Hospital, Chinnaimpalayam,
Coimbatore - 641 062. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent not to conduct the auction sale for the petitioner property as published in the New Indian Express dated 29.04.2022 till the disposal of S.A.No.789 of 2021 pending on the file of Debts Recovery Tribunal, Coimbatore.

For Petitioner : Mr.D.Raja
For Respondent : Dr.S.R.Sundaran

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent Bank.

2. The petitioner is the borrower. The respondent has taken action under the SARFAESI Act. The petitioner already filed SARFAESI appeal before the Debts Recovery Tribunal, Coimbatore. During the pendency of the SARFAESI appeal, the property of the petitioner is sought to be brought to sale. The petitioner wants this Court to restrain the respondents from doing so. We are afraid that the petitioner has to necessarily work out his remedy only in the SARFAESI appeal. No relief can be granted in this writ petition. Liberty is granted to the petitioner to file a miscellaneous petition before the Tribunal. We are not gone into the merits and all the contentions are left open.



3. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed

WEB COPY

Sd/-
Assistant Registrar (Vacation Officer)

//True Copy//

Sub Assistant Registrar

gpa/mp

To,

The Debts Recovery Tribunal, Coimbatore.

+1 cc to Mr.D.Raja, Advocate Sr.NO. 31343

W.P.No.12164 of 2022

AD(CO)

A.SK(20/05/2022)