

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.16997 of 2022

M/s. Venkatesa Agency Private Ltd.,
Rep. by its Director, J.Sathish,
No.,58/67, Alagappa Layout
Venkatesa Colony, Pollachi 642 001.

... Petitioner

Vs

The Authorised officer
M/s. Canara Bank
Pollachi Branch
No.66, Thiyagaraja Building
New Scheme Road
Pollachi 642 002

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 25.05.2022.

For the Petitioner : Mr.S.Nagarajan

* * * * *

ORDER

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

The writ petition has been filed to direct the respondent to consider the representation made by the petitioner on 25.05.2022.

2. It is a case where the petitioner was served with a notice on 04.06.2021 and a reply to it was given, but since payment was not made, a notice under Section 13(4) was caused on 16.02.2022, followed by a sale notice dated 23.02.2022. An appeal was preferred before the Debts Recovery Tribunal,

Coimbatore and while the appeal is pending, this writ petition has been filed to seek a direction for consideration of the representation to grant time to pay the amount. The writ petition for it is not maintainable pending appeal before the Tribunal for the reason that whatever prayer has been made herein could have been made before the Tribunal and otherwise, two parallel proceedings in reference to the recovery of debt initiated by the bank is not permissible.

Accordingly, the writ petition is dismissed. The petitioner would, however, be at liberty to pursue the pending appeal before the Debts Recovery Tribunal. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra
To:

The Authorised officer
M/s. Canara Bank
Pollachi Branch
No.66, Thiyagaraja Building
New Scheme Road
Pollachi 642 002.

Copy to:
The Registrar,
Debts Recovery Tribunal, Coimbatore

+1 cc to Mr.S.Nagarajan, Advocate Sr.NO. 43316

W.P.No.16997 of 2022

ssd(CO)

A.SK(13/07/2022)