



W.P.No.31403 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.31403 of 2022

K.Raj

.. Petitioner

Vs

1.The Authorized Officer,  
Kotak Mahindra Bank,  
219, First Floor, Arunachalam Road,  
Diwan Bahadur Road, R.S. Puram,  
Coimbatore-641 002.

2.C.Thangaraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the Debts Recovery Tribunal, Coimbatore to expeditiously dispose of S.A.No.245 of 2022.

For the Petitioner : Mr.Praveen S Purohit

ORDER

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

This writ petition has been filed by the petitioner to direct the Debts Recovery Tribunal, Coimbatore, to dispose of



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S.A.No.245 of 2022 pending on its file expeditiously.

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2. The petitioner is the auction-purchaser of the property in question sold in a public auction held on 16.2.2022 so as to recover the outstanding amount due from the second respondent borrower. Challenging the auction sale held on 16.2.2022, the petitioner has filed S.A.No.245 of 2022 before the Debts Recovery Tribunal, Coimbatore, and the same is pending for quite a long time. Hence, the petitioner has been advised to file the present writ petition.

3. Learned counsel for the petitioner submitted that when the second respondent has committed default in payment of regular instalments, his account has been classified as NPA and, thereafter, notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for brevity, "*the Act of 2002*"], followed by a notice under Section 13(4) of the Act of 2002 were issued.



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Learned counsel would submit that the petitioner took part in the auction held on 16.2.2022 and became a successful bidder and has paid the entire sale consideration. According to learned counsel, pending S.A.No.245 of 2022, the sale was confirmed and sale certificate was issued in favour of the petitioner on 28.2.2022 and the sale certificate was also registered on 2.5.2022. However, the petitioner is deprived of his right to enjoy the property because of the pendency of S.A.No.245 of 2022. Therefore, if a direction is issued to the Debts Recovery Tribunal, Coimbatore, to dispose of S.A.No.245 of 2022, no prejudice would be caused to anyone.

4. Since the prayer of the petitioner is bona fide and reasonable, we hereby direct the Debts Recovery Tribunal, Coimbatore, to dispose of S.A.No.245 of 2022 pending on its file on merits and in accordance with law, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.



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5. With the above direction, the writ petition is disposed of.

There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)  
01.12.2022

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To:

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T.RAJA, ACJ.  
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D.KRISHNAKUMAR,J.

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