



WEB COPY



W.P. No.32278 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.32278 of 2022

V.Thimmayan

... Petitioner

Vs

1.State Bank of India
rep. by its Authorised Officer
Stressed Assets Management Branch
No.1112, Raja Plaza Avinashi Road
Coimbatore -641 037.

2. A.Natarajan

3.The District Registrar
Tirupur district.

4.The Sub registrar
Palladam Sub Registrar Office
Palladam.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent to re-auction the properties comprised in Survey No.513, 512/1, 512/3 and 511/1 Pongallur Village, Palladam Taluk, Tiruppur District measuring an extent of about 24.2 acres.



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For the Petitioner :: Mr.S.Ramesh
for Mr.T.Thiyagarajan

For the Respondents :: Mr.M.L.Ganesh,
for the first respondent

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed praying for a Writ of Mandamus directing the first respondent to re-auction the properties comprised in Survey Nos.513, 512/1, 512/3 and 511/1 Pongallur Village, Palladam Taluk, Tiruppur District measuring an extent of about 24.2 acres.

2. Mr.M.L.Ganesh, learned counsel appearing for the first respondent Bank submitted that this writ petition is not legally maintainable as the petitioner's son has already filed an application in S.A.No.7 of 2016 before the Debts Recovery Tribunal, Coimbatore, challenging the sale notice. The said application was dismissed on 13.09.2022. The petitioner has also filed an application before the Debts Recovery Tribunal, Coimbatore challenging the sale notice and the said application is stated to be pending.



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3. The said submission of the learned counsel for the bank is not seriously disputed by learned counsel for the petitioner. This writ petition is not legally maintainable and therefore, it is dismissed. No costs. Consequently, WMP No.31682 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
05.12.2022

Index: Yes/No
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To

- 1.The Authorised Officer
Stressed Assets Management Branch
No.1112, Raja Plaza Avinashi Road
Coimbatore -641 037.
- 2.The District Registrar
Tirupur district.
- 3.The Sub registrar
Palladam Sub Registrar Office
Palladam.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

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