



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022
CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

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W.P (MD) .No.4174 of 2022
and
W.M.P. (MD) .No.3582 of 2022

Authorized Officer,
Canara Bank,
Asset Recovery Management Branch,
1st Floor, Spencer Towers II Building,
770A, Anna Salai,
Chennai-600 002.

... Petitioner

Vs.

1.M/s.Vasan Medical Centre (India) Private Limited,
Rep. by one of it's Director Smt.Meera Arun,
No.15-A, Main Road, Thillai Nagar,
Trichy- 620 018.

2.Meera Arun

3.M.Rajeswari

4.Yudish

5.Tharana

6.The Assistant Commissioner of Income Tax,
Central Circle-I,
Thiruchirappalli,
No.44, Williams Road,
Contonment,
Thiruchirappalli.

7.The Sub Registrar,
District Registrar Cadre,
Woraiyur,
Trichy-620 018.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 6th respondent/Income Tax Department to issue a "No Objection Certificate" for the purpose of registering the sale certificate of the petitioner's Bank dated 26.10.2021 in the office of the 7th respondent within a time as fixed by this Court.



For Petitioner : Mr.C.Karthik
For R6 : Mr.N.Dilip Kumar
Senior Standing Counsel
For R7 : Mr.S.Shanmugavel
Additional Government Pleader

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ORDER

I have considered the arguments advanced by the learned counsel for the petitioner in the light of Section 26 E of the SARFAESI Act and in the light of the decision of this Court in W.P.Nos.27409 and 27411 of 2019 and 1251 of 2018, dated 21.04.2021.

2. I am inclined to dispose the writ petition at the time of admission by directing the sixth respondent to consider and pass appropriate orders on the representation of the petitioner, dated 17.01.2022 by taking note of the orders passed in W.P.Nos.27409 and 27411 of 2019 and 1251 of 2018, dated 21.04.2021 and Section 26 E of the SARFAESI Act within a period of six weeks from the date of receipt of copy of this order on merits and in accordance with law. It is needless to state before passing such order, the interest of other secured creditor shall also be considered by the sixth respondent. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Assistant Commissioner of Income Tax,
Central Circle-I,
Thiruchirappalli,
No.44, Williams Road,
Contonment,
Thiruchirappalli.

2.The Sub Registrar,
District Registrar Cadre,
Woraiyur,
Trichy-620 018.



+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-11373[F] dated 10/03/2022)

+1 CC to M/s.C.KARTHIK, Advocate (SR-10807[F] dated 09/03/2022)

+1 CC to M/s.SPL GP (SR-11148[F] dated 10/03/2022)

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