



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.4719 of 2022

and

W.M.P. (MD)No.3938 of 2022

D.Periyasamy

...Petitioner

-Vs-

1.The Branch Manager,
State Bank of India,
Thuraiyur Branch,
Thuraiyur, Trichy District.

2.The Authorized Officer,
State Bank of India,
Thuraiyur Branch,
Thuraiyur, Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned proceedings in e-auction sale notice issued by the first respondent in his proceedings in TRC No.88/2018 (Old DRC No.308/2018-DRT Madurai), dated 29.01.2022 and quash the same.

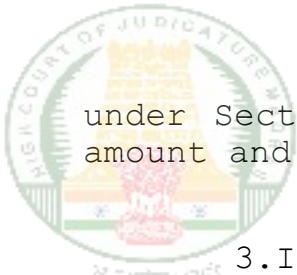
For Petitioner : Mr.G.Thalaimutharasu,
For M/s.D.Selvanayagam
For Respondent : Mr.N.Dilip Kumar

ORDER

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The petitioner seeks to challenge the e-auction sale notice issued by the Debts Recovery Officer DRT-III, Chennai and notice is also issued to the petitioner under the Recovery of Debts and Bankruptcy Act, 1993 (hereinafter referred to as 'the Act').

2.The grievance of the writ petitioner is that the property has been brought under sale without affording a fair opportunity. The proceedings before the Recovery Officer DRT-III are akin to the proceedings under Order 21 of Code of Civil Procedure. The order of sale having been passed by the Recovery Officer DRT-III, it is open to the petitioner to approach Debt Recovery Tribunal-III, Chennai



under Section 27 of the Act, seeking deposit of 25% of the decree amount and seeking stay of the proceedings.

3. In view of the fact that an effective alternative remedy is available to the petitioner under the provisions of the Recovery of Debts and Bankruptcy Act, we do not deem it fit to entertain the Writ Petition. The Writ Petition, therefore, is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

TO:

1. The Debts Recovery Tribunal-III,
6th Additional Office Building,
Shastri Bhavan,
Haddows Road,
Nungambakkam,
Chennai - 600 006.

2. The Branch Manager,
State Bank of India,
Thuraiyur Branch,
Thuraiyur, Trichy District.

3. The Authorized Officer,
State Bank of India,
Thuraiyur Branch,
Thuraiyur, Trichy District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-13083[F] dated 18/03/2022)

ORDER MADE IN

W.P(MD)No.4719 of 2022

17.03.2022

ck(CO)

GC(30.03.2022) 2P 5C