



W.P.(MD) No.14110 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.14110 of 2022

and

W.M.P.(MD)Nos.10080 & 18380 of 2022

Anitha Kumari

... Petitioner

-Vs-

1.The Authorized Officer / Branch Manager,
Tamilnad Mercantile Bank Ltd.,
No.7/88-A, Arumanai,
Kanyakumari District.

2.The Chief Manager,
Tamilnad Mercantile Bank Ltd.,
No.7/88-A, Arumanai,
Kanyakumari District.

3.Mr.Jude Sajith Deruz

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned sale certificate dated 07.06.2022 executed by the respondent No.2, in favour of the respondent No.3 in a low price and set aside the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.T.Thevan,
Standing Counsel for R1 & R2
Mr.S.Suresh for R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned sale certificate dated 07.06.2022, executed by the 2nd respondent, the petitioner has filed this Writ Petition.

2. The learned counsel appearing for the petitioner submitted that the third respondent, who is an auction purchaser, has purchased the petitioner's property and according to the petitioner, though the value of the property is more than Rs.5 Crores, the respondents Bank has sold out the said property for less than Rs.1 Crore and hence, the petitioner has filed this Writ Petition.

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3. The learned counsel appearing for the respondent bank and the learned counsel appearing for the third respondent has strongly objected the allegation of the petitioner and submitted that there is no illegality or irregularities in the auction conducted by the respondents and as against the sale certificate dated 07.06.2022, issued by the second respondent, the petitioner is having an appeal remedy before Debts Recovery Tribunal, Madurai and without resorting such remedy, the petitioner has approached this Court. Hence, this Writ Petition may be dismissed.

4. We are in agreement with the submission made by the learned counsel appearing for the respondents that as against the sale certificate dated 07.06.2022, issued by the second respondent, the petitioner is having an appeal remedy before the Debts Recovery Tribunal and hence, this Writ Petition is not maintainable.



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5. Accordingly, this Writ Petition is dismissed. It is open to the petitioner to workout his remedy before the Debts Recovery Tribunal, Madurai. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]

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Index : Yes / No
Internet : Yes / No

vsm



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