



W.P.(MD)No.15479 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.15479 of 2022
and W.M.P.(MD) Nos.11118 and 11119 of 2022

M.Thangaraju

... Petitioner

Vs.

1.The Recovery Officer,
Debts Recovery Tribunal, Madurai,
3rd and 4th Floor, Kalyani Towers,
4/162, Madurai – Melur Road, Uthangudi,
Madurai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records culminating into the Proclamation of Sale Notice and E-Auction Notice, both dated 22.06.2022 in R.P. & R.C. No.212/2019 passed by the 1st Respondent and quash the same as illegal.

For Petitioner

: Mr.G.Vishnuram

For 2nd Respondent

: Mr.T.Govindhasamy
Standing Counsel

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Challenging the Proclamation of Sale Notice and E-Auction Notice, dated 22.06.2022, in R.P. & R.C. No.212/2019 passed by the 1st Respondent, the above writ petition has been filed.

2. Heard Mr.G.Vishnuram, learned counsel for the petitioner and Mr.T.Govindhasamy, learned Standing Counsel for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. It is admitted that in the proceedings initiated by the bank for recovery in O.A.No.1040 of 2015, final order was passed. The Debts Recovery Tribunal, Madurai on 22.10.2021 issued a Recovery Certificate for a sum of Rs.8,37,342/- together with *pendent lit* future interest @ 16.25% with half yearly rests and another sum of Rs.3,36,774/-, due as on 10.08.2015, towards KCC Limit, together with *pendent lit* future interest @ 14.50% with half yearly rests from 11.08.2015 till the date of realization. Without challenging the Recovery Certificate by filing appeal in the manner known to law, the petitioner has preferred the above writ petition



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challenging the Sale Notice and E-Auction notice dated 22.06.2022, only on the ground that the petitioner is willing for a settlement and that he had already paid a sum of Rs.2,25,000/- on 30.05.2022 and another sum of Rs.75,000/- on 03.06.2022 towards confirmation of OTS proposal. This is stoutly denied by the learned Standing Counsel for the respondent Bank and the petitioner also admitted in the affidavit filed in support of the petition that the terms were not reduced into writing. In these circumstances, this Court is unable to entertain the writ petition, challenging the Proclamation of Sale Notice and E-auction notice dated 22.06.2022 only on the ground that his offer for One Time Settlement is not properly considered. The petitioner may challenge sale on the ground of irregularities or the order of Tribunal issuing Recovery Certificate.

4. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to challenge the Recovery Certificate in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
18.07.2022

Index : Yes / No
sj



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

To

- 1.The Recovery Officer,
Debts Recovery Tribunal, Madurai,
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