



W.P.(MD) No.22710 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22710 of 2022

and

W.M.P.(MD)No.16862 of 2022

V.Palanisamy

... Petitioner

-Vs-

- 1.The Authorized Officer,
Canara Bank, Home Loan,
Tuticorin Beach Road Branch,
H.O.No.40, 55PB, Beach Road,
Thoothukudi.

- 2.The Branch Manager,
Canara Bank, (Erstwhile Syndicate Bank),
Through its Authorized Officer,



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Tuticorin Beach Road Branch,
H.O.No.40, 55PB, Beach Road,
Thoothukudi.

... Respondents

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 order passed in Crl.M.P.No.4243 of 2022 dated 20.07.2022 passed by the learned Chief Judicial Magistrate - Thoothukudi and quash the same as illegal.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.R.Pandivel

Standing Counsel

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed challenging the order passed by the learned Chief Judicial Magistrate, Thoothukudi in Crl.M.P.No.4243 of 2022, dated 20.07.2022 under Section 14 of the SARFAESI Act.



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2.The learned Standing Counsel for the respondents submitted that subsequent to the impugned order, sale notice was issued and sale was confirmed in favour of a third party by name Antony Pitchai Benitto on 20.10.2021. Further, challenging the sale notice dated 08.09.2021, the petitioner filed W.P.(MD)No.21046 of 2022 and this Court, by order dated 02.09.2022, dismissed the said Writ Petition, holding as follows:-

“3.Accordingly, this Writ Petition is dismissed with liberty to the petitioner to approach the Debt Recovery Tribunal to challenge the sale. The Tribunal may dispose of the same without being influenced by any of the observations made by this Court in this writ petition. No costs. Connected miscellaneous petitions are closed.”

3.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Bank.

4.Though this Court granted liberty to the petitioner to approach the Debt Recovery Tribunal to challenge the sale, the petitioner has filed this Writ



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Petition for the same cause of action. Hence, this Writ Petition cannot be entertained.

5.In view of the above, this Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]

27.09.2022

Index : Yes / No
Internet : Yes / No

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