



W.P.(MD)No.23552 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.23552 of 2022
and W.M.P.(MD) Nos.17625 and 17626 of 2022

Jayarahavan

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.

2.The Authorized Officer,
Canara Bank,
St. Rita Convent Branch,
Nagercoil – 2, D.P. Code 8590,
Kanyakumari District.

3.Lingaraja

4.T.Ravichandran

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in Cr.M.P.No.8060 of 2022 dated 03.09.2022 and quash the same and consequently, direct the 2nd respondent to act



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as per the order in I.A.No.2874 of 2018 in SA No.583 of 2018 dated 07.12.2017 and thereby set aside the auction sale conducted by the 2nd respondent dated 22.03.2021 in favour of the 3rd and 4th respondent.

For Petitioner : Mr.G.Cenil
For 2nd Respondent : Mr.R.Pandivel
Standing Counsel

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, challenging the order passed by the 1st respondent under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in Cr.M.P.No.8060 of 2022 dated 03.09.2022 and consequently, for a direction to the 2nd respondent to act as per the order in I.A.No.2874 of 2018 in SA No. 583 of 2018 dated 07.12.2017 and set aside the auction sale conducted by the 2nd respondent dated 22.03.2021 in favour of the respondents 3 and 4.

2. Heard Mr.G.Cenil, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel, who accepts notice on behalf of the second respondent.



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3. After arguing for some time, the learned counsel for the petitioner submitted that the Writ Petition may be closed, granting liberty to the petitioner to approach the Debts Recovery Tribunal to work out his remedy.

4. Recording the said submission of the learned counsel for the petitioner and granting such liberty, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

[R.M.D., J.] [J.S.N.P., J.]
12.10.2022

Internet : Yes / No

Index : Yes / No

sj

To

1.The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.



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and

J.SATHYA NARAYANA PRASAD, J.

sj

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