



WP No.11731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.11731 of 2023

K.Mohan

... Petitioner

-Vs-

1.The Authorised Officer
Indian Bank, Pattabiram Branch
No.89, M.T.H.Road, Pattabiram
Chennai 600 072.

2.K.Karthikeyan

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 27.12.2022 passed in R.A.(S.A.) No.37/2020 by the Hon'ble Debt Recovery Appellate Tribunal at Chennai, quash the same and consequently direct the Debt Recovery Appellate Tribunal to decide the issue on merits.

For the Petitioner : Mr.K.Venkateswaran



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ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the borrower only on the sole ground that the sale notice dated 28.12.2011 fixing the auction sale on 10.02.2012, was not served the petitioner, as a result the petitioner was unaware of the sale notice and the sale proceedings.

2. We are unable to find any merit or justification in the said submission, as a clear answer has been given by the Debts Recovery Tribunal III, Chennai in the order dated 01.09.2017 passed in I.A.No.542 of 2014 in S.A.No.54 of 2014, which reads as follows.

" The sale notice dated 28.12.2011 fixing the auction sale on 10.02.2012 was sent by registered post and after the receipt of the said sale notice, the wife of the 1st respondent who is the borrower had given a letter dated 07.01.2012 acknowledging the receipt of the sale notice and requesting time for making payments."



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3. In the light of the above, we do not find any merit in the contention raised by the petitioner and the writ petition is dismissed.

There will be no order as to costs. Consequently, WMP No. is closed.

(T.R., ACJ.) (D.B.C., J.)
18.04.2023

Index : Yes/No
Neutral Citation : Yes/No
kst

To

The Authorised Officer
Indian Bank, Pattabiram Branch
No.89, M.T.H.Road, Pattabiram
Chennai 600 072.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(kst)

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