



WEB COPY



W.P.No.5035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

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THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5035 of 2023

M/s.PRP Exports,
Rep. by its Partner Mr.P.Senthilkumar
Therkuthuru Village,
Melur Taluk,
Madurai District.

.. Petitioner

Versus

1.Indian Bank,
Rep. by its General Manager (Recovery & Legal),
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai – 14.

2.The Authorised Officer,
Indian Bank,
SAM Small Branch,
100-101, East Avani Moola Street,
Madurai – 625 001.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorari to call for the records pertaining to the Notice of Intended Sale dated 07.02.2023 issued by the second respondent without consideration of the petitioner's representation dated 20.06.2022 and an enhanced offer dated 28.06.2022 offering to pay the dues, and quash the same.

For Petitioner	: Mr.OM.Prakash, Senior Counsel
For Respondents	: Mr.J.B.Dolia, Senior Counsel



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ORDER

(Order of the Court was delivered by The Hon'ble Acting Chief Justice)

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The petitioner has filed this writ petition challenging the impugned notice of intended sale dated 07.02.2023 of the respondent bank, in which, two properties of the petitioner are brought for e-auction scheduled to be held on 23.02.2023.

2. As against the sale notice dated 07.02.2023, the petitioner has to work out his remedy only before the DRT. Without resorting such an alternative remedy available, he cannot straightaway file this writ petition.

3. Mr.J.B.Dolia, learned Senior counsel for the respondent bank, submitted that the Bank has already made an offer of Rs.120 crores as against the total outstanding of Rs.196 crores. Therefore, it is for the petitioner either to accept the offer of the Bank or to approach the DRT to work his remedy in the manner known to law. Hence, we are not inclined to entertain the writ petition and it is dismissed accordingly. No Costs. W.M.P.No.5061 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
21.02.2023

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To

1. The General Manager (Recovery & Legal),
Indian Bank,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai – 14.

2. The Authorised Officer,
Indian Bank,
SAM Small Branch,
100-101, East Avani Moola Street,
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THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.
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