



W.P.No.9906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.No.9906 of 2023

M/s.IDBI Bank Limited,
Registered Officer at IDBI Tower,
WTC Complex, Cufe Parade,
Mumbai-400 005
and its Regional Office at
P.M. Towers,
First Floor of No.37, Greaves Road,
Chennai-600 006.

And also
Zonal Office at
No.115, Anna Salai,
Saidapet, Chennai-600 015.

.. Petitioner

Vs

1.R.Parthiban
2.P.Usha
3.R.P.Rajarajan

4.M/s.R.P.Rajarajan Associates,
rep. by its Managing Partners
#103 and 105, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.



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5.The Registrar,
Debts Recovery Tribunal-II,
Shastri Bhavan,
Chennai-600 034.

6.The Registrar,
Debt Recovery Tribunal-III,
Shastri Bhavan,
Chennai-600 034.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring S.A.108 of 2022 on the file of Debt Recovery Tribunal-II, currently transferred to Debt Recovery Tribunal-III pending unnumbered T.S.A. As infructuous.

For the Petitioner : Mr.P.L.Narayanan
Senior Counsel
for Mr.E.Hariharan

For the Respondents : Mrs.Anantha Gomathi Murugesan
for respondent Nos.1 to 4

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.P.L.Narayanan, learned senior counsel for the petitioner, and Mrs.Anantha Gomathi Murugesan, learned counsel for respondents 1 to 4.



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2. Respondents 1 to 3 have filed Securitisation Application before the Debts Recovery Tribunal-II, Chennai, challenging the auction sale on various grounds enumerated in the Securitisation Application.

3. The contention of the petitioner is that the auction sale has been cancelled and, as such, the Securitisation Application has become infructuous.

4. The Securitisation Application has now been transferred to the Debts Recovery Tribunal-III, Chennai and numbered as T.S.A.No.537 of 2023. According to respondents 1 to 4, the challenge to the auction sale is on various grounds, including under-valuation of the property.

5. Be that as it may, the contention of the present petitioner that the auction sale has not materialized and stands cancelled, as there were no bidders, can be considered by the Debts Recovery Tribunal-III, Chennai, where the Securitization Application is pending. The petitioner is at liberty to make submission with regard to the Securitisation Application becoming infructuous. The Presiding Officer



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of the Debts Recovery Tribunal-III, Chennai, would consider the submission of the petitioner and also respondents 1 to 4 regarding the Securitisation Application having become infructuous or otherwise, expeditiously.

6. It is stated that the next hearing date is fixed on 12.06.2023. The parties may appear before the Debts Recovery Tribunal-III, Chennai, on the said date.

7. The writ petition is, accordingly, disposed of. There will be no order as to costs. Consequently, W.M.P.No.9960 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

06.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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- 1.The Registrar,
Debts Recovery Tribunal-II,
Shastri Bhavan,
Chennai-600 034.
- 2.The Registrar,
Debt Recovery Tribunal-III,
Shastri Bhavan,
Chennai-600 034.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

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