



W.P.No.13961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM :

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

AND

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

W.P.No.13961 of 2023

D.Jayasudha

.. Petitioner

Vs

1.The Authorised Officer,
Union Bank of India,
(Erstwhile Corporation Bank)
Arumparthapuram Branch,
No.6, Ground Floor, Villianur Main Road,
Arumparthapuram,
Pondicherry-605 110.

2.M.Prakash

3.P.Shanthi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the first respondent in respect of the sale notice dated 15.11.2022 and consequent sale intimation letter dated 21.12.2022 issued by them in respect of the petition property, being vacant site, comprised in R.S.No.111/2, Cad.No.332 2/3, bearing Patta No.110, admeasuring extet of 4 Ares (i.e) 4304 sq. feet situated at No.35, Oulgaret (Uzhavarkarai) Revenue Village, Puducherry and quash the same including all consequential actions pursuant to the sale notice



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dated 15.11.2022 and consequently permit the petitioner to deposit the due amount to the first respondent so as to redeem the property.

For the Petitioner : Mr.R.Munuswamy

For the Respondents : Mr.K.Kesava

ORDER

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

We have heard learned counsel for the petitioner. The petitioner is challenging the sale notice dated 15.11.2022 as well as the sale intimation letter dated 21.12.2022 in the present matter.

2. It appears that the petitioner has also filed an application/appeal, bearing SA Dy. No.191 of 2023, under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the same has been dismissed for default and non-prosecution on 13.04.2023.

3. It is trite law that the petitioner cannot avail two remedies for the same purpose or on the same cause of action. Now, as the



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application/appeal has been dismissed for default and non-prosecution, it is for the petitioner to assail the same in accordance with law.

4. In the light of the subsequent order passed dismissing the application/appeal of the petitioner, the present writ petition cannot be entertained.

5. The writ petition, as such, is disposed of with liberty to the petitioner to assail the order dismissing the application/appeal for default and non-prosecution by the Debts Recovery Tribunal-III, Chennai, as may be permissible under law. In that event, all the contentions are kept open. There will be no order as to costs. Consequently, W.M.P.Nos.13608 and 13609 of 2023 are closed.

(S.V.G., CJ.) (P.D.A., J.)
01.06.2023

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

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

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