



W.P.No.16216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM :

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

AND

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

W.P.No.16216 of 2023

C.Subramanian

.. Petitioner

Vs

- 1.The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Elampillai Branch,
No.639/2B, Mettur Road,
Near Bus Stand,
Elampillai-637 502.
- 2.M/s.Kandasamy Coconut Mundy,
Sole Proprietor K.Manikandan,
14/312, Sanjeeviyur, Surapalli Village,
Nangavalli Block Jalakandapuram,
Mettur Taluk – 636 501.
- 3.K.Manikandan
- 4.Dhanalakshmi Arunkumar
- 5.K.Sumathi
- 6.Annaporani Ramesh



W.P.No.16216 of 2023

7.Senthilkumar
Sun Properties,
No.365, Maragatham Complex,
Trichy Road Sulur,
Coimbatore-641 402.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the first respondent in respect of the sale notice dated 23.3.2023 and the subsequent sale of the secured asset in favour of the seventh respondent on 18.4.2023 sale and quash the same.

For the Petitioner : Mr.E.Om Prakash
Senior Counsel
for Mr.A.Ilangovan

For the Respondents : Mr.P.Tamilvel
for respondent No.1

: Mr.P.Valliyappan
Senior Counsel
for M/s.P.V.Law Associates
for respondents 2 to 6

: R7 – No Appearance



W.P.No.16216 of 2023

ORDER

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

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We have heard Mr.E.Om Prakash, learned Senior Counsel for the petitioner; Mr.P.Tamilvel, learned counsel for the first respondent; and, Mr.P.Valliyappan, learned Senior Counsel for respondents 2 to 6.

2. Learned Senior Counsel for the petitioner submits that the Securitisation Application, challenging the notice issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "*the Act of 2022*"), is pending with the Debts Recovery Tribunal. The third sale notice is issued and the property is sold. The petitioner would challenge the sale also before the Debts Recovery Tribunal.

3. The petitioner may challenge the sale as may be permissible under law. The petitioner may seek the benefit of Section 14 of the Limitation Act, 1963, as may be applicable.



W.P.No.16216 of 2023

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4. The writ petition is, accordingly, disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.15606 and 15608 of 2023 are closed.

(S.V.G., C.J.)

(P.D.A., J.)

27.09.2023

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

The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Elampillai Branch,
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Near Bus Stand,
Elampillai-637 502.



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W.P.No.16216 of 2023

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

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W.P.No.16216 of 2023

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