



W.P.No.27405 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM :

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

AND

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

W.P.No.27405 of 2023

Paramasivam Palanisamy Charitable Trust
Rep. by its Chairman, K.Paramasivam
No.119, Bhavani Road
Erode – 638 004.

.. Petitioner

Vs.

1. The Authorized Officer
The Karur Vysya Bank Ltd.
Asset Recovery Branch
R.S.No.170/9, Uthankudi Village
Neat Mattuthavani Bus Stand
Madurai – 625 107.
2. The Karur Vysya Bank Ltd
Rep. by its Branch Manager
Erode Main Branch
No.24, Muthurangam Street
Erode – 638 001.
3. Kovai Medical Center & Hospital Ltd.
Rep. by its Director
No.99, Avinashi Road
Coimbatore – 641 014.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the first respondent in the E-auction sale notice dated 17.08.2022 which culminated in to a sale on 07.09.2022 and quash the same as illegal.

For the Petitioner : Mr.P.J.Rishikesh

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.P.J.Rishikesh, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is constrained to approach this Court as the Debts Recovery Tribunal, Coimbatore is not deciding the Securitisation Application filed by the petitioner, in spite of the fact that numerous emergent petitions have been moved.

3. The petitioner approached the Debts Recovery Tribunal, Coimbatore, challenging the auction sale notice. However, as the matter was not taken up and heard on merits, the auction sale



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proceeded further. The same is also challenged by the petitioner and is pending for more than a year. The petitioner was also required to add the auction purchaser as a party. The Bank has not yet filed the written statement.

4. Once the Securitisation Application is pending with the Debts Recovery Tribunal, it would not be appropriate to consider the present petition on merits in its jurisdiction under Article 226 of the Constitution of India.

5. Considering the exigency in the matter, the Debts Recovery Tribunal, Coimbatore may endeavour to decide the Securitisation Application expeditiously, preferably within eight months, and if the respondents are taking undue adjournments, the Debts Recovery Tribunal, Coimbatore can proceed with the matter and decide, at least the interim applications filed by the petitioner.



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There will be no order as to costs. Consequently, W.M.P.No.26859 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)
20.09.2023

Index : Yes/No
Neutral Citation : Yes/No

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

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