



W.P.No.24293 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM :

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

AND

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

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M/s.Snow Park Enterprises,
rep. by its Partner R.Jayashankar,
Old No.5, New No.9, Arangappan Street
(Rangappa Reddy)
Mambalam, Chennai-600 033.
Petitioner

..

Vs

1.The Presiding Officer,
Debts Recovery Tribunal II Chennai,
7th Floor, Shastri Bhavan,
Additional Office Building,
Haddows Road, Egmore,
Chennai-600 006.

2.The Authorised Officer,
Indian Bank,
SAM Large Chennai Branch,
55, 2nd Floor, Ethiraj Salai,
Egmore, Chennai-600 008.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India



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seeking issuance of a writ of certiorarified mandamus calling for the records of the respondent bank culminating in the auction sale dated 16.11.2022 notice dated 12.10.2022, quash and set aside the same and cancel the sale certificate issued by the respondent bank to the auction purchaser and consequently direct the respondent bank and the auction purchaser to hand over possession of the property all that piece and parcel of land and building situated at Old No.5, New No.9, Rangappa Reddy Street (Arangappan Street), Mambalam, Chennai-600 033, comprised in R.S.No.101/2, Block No.18 of Zamin Mambalam Village, Mambalam-Guindy Taluk, Chennai District, land measuring an extent of 589.50 sq. ft., together with building consisting of ground floor, first floor and second floor, having a total built-up area of 1608 sq. ft., to the petitioner on receipt of the entire outstanding loan amount as per the respondent bank's OTS that may be given during the Lok Adalath hearing in Diary No.954/2022/OA.No.176/2023.

For the Petitioner : Mr.Hari Krishnan

ORDER

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

Heard Mr.B.Hari Krishnan, learned counsel for the petitioner.

2. The petitioner is challenging the auction sale.

3. The auction sale can be assailed before the Debts Recovery Tribunal under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security



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Interest Act, 2002.

4. In the light of that, learned counsel for the petitioner submits that the petitioner would approach the Debts Recovery Tribunal.

5. The writ petition is disposed of. The petitioner may approach the Debts Recovery Tribunal as may be permissible under law and take a proceeding as may be maintainable. In that event, all contentions are kept open. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

18.08.2023

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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