



W.P.No.34364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34364 of 2023

S.Saravanan

.. Petitioner

VS

1.The Registrar,  
Debts Recovery Appellate Tribunal Chennai,  
7<sup>th</sup> Floor, Additional Office Buildings,  
Shastri Bhavan, Haddows Road,  
Chennai-600 006.

2.The Authorised Officer,  
Indian Bank,  
Paramakudi Branch,  
3/547 L1 Madurai Rameswaram Main Road,  
Paramakudi-623 707.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to consider the application for stay and redemption filed within a time frame fixed by this Court by advancing the said application to an earlier date and to pass orders on merits in



W.P.No.34364 of 2023

accordance with law and consequently direct the second respondent to maintain the sale notices dated 28.11.2023 issued by the second respondent in abeyance till the disposal of above DN 1217 of 2023.

For the Petitioner : Mr.R.Munusamy  
for Mr.G.Ilamurugu

For the Respondents : Ms.Hemalatha Suresh  
for respondent No.2

: R1 - Tribunal

ORDER

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

We have heard Mr.R.Munusamy, learned counsel for Mr.G.Ilamurugu, learned counsel for the petitioner; and Ms.Hemalatha Suresh, learned counsel for respondent No.2.

2. The petitioner has deposited an amount of Rs.15 lakh as directed by this Court under the order dated 11.12.2023.

3. The petitioner had challenged the order passed under Section 14 of the Securitisation and Reconstruction of Financial



W.P.No.34364 of 2023

Assets and Enforcement of Security Interest Act, 2002 [for short, “the Act of 2002”] before the Debts Recovery Tribunal. Thereafter, the matter was taken up before the Debt Recovery Appellate Tribunal. It is said that the matter was adjourned to 24.01.2024 and, in the interregnum, a sale notice was issued and the sale is scheduled on 15.12.2023. On that premise, the present writ petition was filed.

4. We have recorded the statement of learned counsel for the petitioner that the petitioner has deposited Rs.46.00 lakh before the Debt Recovery Appellate Tribunal and the entire amount due is Rs.91.00 lakh. We had further directed the petitioner to deposit Rs.15.00 lakh and the same is deposited by the petitioner.

5. The sale notice issued to the petitioner can be challenged before the Debts Recovery Tribunal.

6. With these observations, the writ petition is disposed of with liberty to the petitioner to avail of the alternate remedy. In



W.P.No.34364 of 2023

that event, all contentions are kept open. The interim order dated 11.12.2023 passed by us would continue for a period of fifteen days from today so as to enable the petitioner to seek appropriate relief from the Debts Recovery Tribunal. There will be no order as to costs. Consequently, W.M.P.No.34273 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

19.12.2023

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

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W.P.No.34364 of 2023

THE HON'BLE CHIEF JUSTICE  
AND  
D.BHARATHA CHAKRAVARTHY,J.

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W.P.No.34364 of 2023

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