



W.P.(MD) No.217 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.217 of 2023
and W.M.P.(MD)Nos.180 and 181 of 2023

M.Nagarajan

Vs.

... Petitioner

1.The Authorized officer,
Cholamandalam Investment
And Finance Company Ltd.,
Corporate Office, Dare House,
No.2, NSC Bose Road, Parrys,
Chennai – 600 001.

2.The Branch Manager,
M/s.Cholamandalam Investment
And Finance Company Ltd.,
2/3, GV Tower, Third Floor,
Opp. To Fenner India,
Madurai – 625 010.

... Respondents



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WEB COPY PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned E-Auction sale notice dated 19.12.2022 issued by the respondents and quash the same as illegal.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondents : Mr.P.Pethurajesh,
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned E-Auction sale notice dated 19.12.2022, issued by the respondents, the petitioner has filed this Writ Petition.

2. By consent, this Writ Petition is taken up for final disposal at that admission stage itself.

3. After elaborate arguments, the learned counsel appearing for the petitioner submitted that the petitioner is inclined to approach the Debts



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Recovery Tribunal, Madurai, to work out his remedy and therefore, the Writ Petition may be disposed of permitting the petitioner to file an appeal along with the stay application before the Debts Recovery Tribunal, Coimbatore, in-charge of Debts Recovery Tribunal, Madurai, with a direction to the Presiding Officer, Debts Recovery Tribunal, Coimbatore, to dispose of the same within a time frame.

4. The learned Standing Counsel appearing for the respondents fairly submitted that if the petitioner is filed an appeal before the Debts Recovery Tribunal, Coimbatore, in-charge of Debts Recovery Tribunal, Madurai, they will co-operate for disposal of stay application.

5. In view of the above submissions, we are inclined to pass the following orders:

a) the petitioner is permitted to file an appeal before the Debts Recovery Tribunal, Coimbatore, in-charge of Debts



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WEB COPY Recovery Tribunal, Madurai along with the stay application, within a period of one week from today; and

b) If the appeal papers are otherwise in order, the learned Presiding Officer, Debts Recovery Tribunal, Coimbatore, in-charge of Debts Recovery Tribunal, Madurai is directed to number the said appeal along with the stay application and thereafter, consider the stay application and pass orders on its own merits and in accordance with law, after issuing notice to the respondents, on or before 25.01.2023.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]

vsm

05.01.2023

NCC : Yes / No

Index : Yes / No

Note: Issue order copy on 06.01.2023

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To

- 1.The Authorized officer,
Union Bank of India,
Vengalakadai Street Branch,
Madurai – 625 001.

- 2.The Branch Manager,
Union Bank of India,
Vengalakadai Street Branch,
Madurai – 625 001.



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

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