



W.P.(MD) No.3328 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIYA GOWRI

W.P.(MD)No.3328 of 2023

and

W.M.P.(MD)Nos.3075 & 3076 of 2023

V.Ayyappan

... Petitioner

Vs.

1.The Sub Registrar,
Bodinayakkanur,
Theni.

2.Canara Bank,
Bodinayakkanur Branch,
(Through its authorized Officer,
Mr.Ramanathan.T),
Regional Office,
No. 585, First Floor,
Priyanka Complex,
Periyakulam – Cumbum Road,
Theni – 625 531.



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WEB CUP 3.Karthigai Priya

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned sale certificate in Document No.6463 of 2022 dated 25.07.2022 on the file of the 1st respondent and quash the same as illegal and consequently direct the 2nd respondent not to take any coercive action till the disposal of the application filed by the petitioner in SA No.290 of 2022 on the file of the Honble Debts Recovery Tribunal at Madurai.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.N.Satheesh Kumar (R1)
Additional Government Pleader
Mr.R.Pandivel (R2)
Standing Counsel

ORDER

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

This Writ Petition has been filed challenging the impugned sale certificate in Document No.6463 of 2022 dated 25.07.2022 on the file of the 1st respondent with a consequential direction to the second respondent not to take any coercive



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action till the disposal of the application filed by the petitioner in SA No.290 of 2022 on the file of the Honble Debts Recovery Tribunal at Madurai.

2. Heard Mr.M.Jerin Mathew, learned counsel for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice for the first respondent and Mr.R.Pandivel, learned Standing Counsel, who takes notice for the second respondent.

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

4. The learned counsel appearing for the petitioner submitted that petitioner has filed an appeal in S.A.No.290 of 2021 before the Debts Recovery Tribunal, Madurai, challenging the Sale cum Auction notice issued by the 2nd respondent and the same is pending. While so, the 2nd respondent issued the sale certificate on 25.07.2022. As against the same, the petitioner has filed this Writ Petition.



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5. The learned counsel appearing for the 2nd respondent bank submitted that the petitioner has earlier filed a Writ Petition before this Court in W.P. (MD)No.18781 of 2022 and this Court by order dated 18.08.2022, dismissed the same by holding that there cannot any parallel proceedings by this Court. He further submitted that suppressing the said fact, the petitioner has filed this Writ Petition and therefore, this Writ Petition is liable to be dismissed.

6. In view of the aforesaid submissions, we are of the view that the petitioner has approached this Court once again for the same relief. Therefore, we refrain from entertaining this Writ Petition on the ground that the petitioner has filed an appeal in S.A.No.290 of 2022 before the Debts Recovery Tribunal, Madurai and the same is pending. Hence, there is no merit in this Writ Petition and the same is liable to be dismissed.



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WEB COPY 7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K., J.] [L.V.G., J.]

20.02.2023

NCC : Yes / No
Index : Yes / No
vsm

To

The Sub Registrar,
Bodinayakkanur, Theni.



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D.KRISHNAKUMAR, J.
and
L.VICTORIYA GOWRI, J.

vsm

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