



W.P.(MD)No.6482 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6482 of 2023

and

W.M.P(MD)Nos.6125 and 6127 of 2023

H.Shajahan

: Petitioner

Vs.

1.The Authorized Officer,
The Karur Vysya Bank Ltd.,
Asset Recovery Branch,
Mattuthavani-Melur Road,
Near Matthuthavani Bus Stand,
Madurai – 625 001.

2.M.Maria Antony,

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records of the impugned Sale Certificate issued by the first respondent dated 21.02.2023 quash the same as illegal.



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For Petitioner : Mr.A.S.Abdul Kalam Azad

For Respondents : Mr.R.Pandivel
Standing Counsel for R1

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J)

No doubt, we are entertaining the cases under SARFAESI Act due to the absence of the Presiding Officer of the Debts Recovery Tribunal, Madurai and the difficulties faced by the litigants in approaching the Debts Recovery Tribunal at Coimbatore in case of extreme urgency. But challenge in this writ petition is to the Sale Certificate issued by the bank after the conduct of the sale. The same has to be challenged before the Debts Recovery Tribunal in a manner known to law. We do not think that the absence of the Presiding Officer could be made a reason for this Court to invoke Article 226 of the Constitution of India on the facts of this case, where the sale has already been taken place. Hence, we do not see any reason to entertain this writ petition.



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3.Hence, this writ petition fails and accordingly, the same is dismissed with liberty to the petitioner to move the Debts Recovery Tribunal concerned. No costs. Consequently connected miscellaneous petitions are closed.

[R.S.M., J.] & [L.V.G., J.]
24.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn



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L.VICTORIA GOWRI.,J

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