



W.P.(MD) No.9934 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.9934 of 2023

and

W.M.P.(MD) Nos.8739, 8740 & 8741 of 2023

M/s.Sri Vinayaga Trading Enterprises
rep.by its Proprietor P.Namachivayam
S/o.N.Periyasamy
Plot No.13/14, Sri Siva Sakthi Nagar
Mathur Post, Pudukkottai-622 515

... Petitioner

-vs-

1.Canara Bank
rep.by its Authorised Officer
SR College Branch
Tiruchirappalli
Sankaran Pillai Road
Tiruchirappalli-620 002

2.Thanabackiyam

... Respondents



W.P.(MD) No.9934 of 2023

WEB C

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the first respondent in connection with the impugned sale certificate issued in favour of the second respondent vide his proceedings No.Nil dated 30.09.2022 and quash the same as arbitrary and violation of principles of natural justice and consequently direct the respondent Bank to accept the entire outstanding due payable as per the agreement of the one time settlement (OTS) dated 24.01.2022, within a time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.C.Deepak for R1

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The attempt made by the petitioner to challenge the sale certificate before the Debts Recovery Tribunal-II, Chennai, failed, because the Tribunal concluded that it has no power to condone the delay in filing the original proceedings under Section 17 of the Securitisation and Reconstruction of Financial and Assets and Enforcement of Security Interest Act, 2002.



WEB COPY

W.P.(MD) No.9934 of 2023

2. The order of the Debts Recovery Tribunal is dated 10.03.2023.

Having failed to convince the Tribunal that it has jurisdiction to condone the delay, the petitioner has come up with this writ petition, under Article 226 of the Constitution of India, challenging the very same sale certificate issued. We do not think that we can entertain such challenge, since there is an appeal remedy available to the petitioner before the Debts Recovery Appellate Tribunal.

3. Hence, leaving it open to the petitioner invoke the appeal remedy, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

27.04.2023

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

krk



WEB COPY



W.P.(MD) No.9934 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

krk

W.P.(MD) No.9934 of 2023
and
W.M.P.(MD) Nos.8739, 8740 & 8741
of 2023

27.04.2023