



W.P.(MD) No.12756 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

CORAM:

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

W.P.(MD) No.12756 of 2023

and

W.M.P (MD) Nos.10753, 10754 and 10755 of 2023

M/s.Vino Super Mart
Rep. by its Proprietor
M.Vijayarajan

... Petitioner

-VS-

1. The Authorized Officer,
Canara Bank, Bodinayakanur Branch,
Kamarajar Bazar,
Opp. State Bank of India,
Bodinayakanur, Theni District.

2. G.Madhumathi ... Respondents

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 e-auction sale notice dated 02.03.2021 issued by the 1st respondent vide Ref TRO/CRMR/SPR/31/2020-21 SPR and its consequential sale certificate dated



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06.12.2021 issued by the 1st respondent in favour of the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.G.Thalaimutharasu
for M/s.G.Vishnuram

For Respondents : Mr.Madan Alexander
Standing Counsel for R1

ORDER

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

With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

2. Considering the nature of the relief, notice to the private respondent is deemed unnecessary.

3. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more in the nature of WRIT OF CERTIORARI to call for the records pertaining to the e-auction



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sale notice dated 02.03.2021 issued by the 1st respondent vide Ref TRO/CRMR/SPR/31/2020-21 SPR and its consequential sale certificate dated 06.12.2021 issued by the 1st respondent in favour of the 2nd respondent and quash the same as illegal.”

4. Learned Standing Counsel appearing for the first respondent – bank would submit that the writ petition itself is not maintainable in view of the fact that the sale has been held and sale certificate has been issued on 06.12.2021. The auction purchaser has also been put in possession. He would also point out that the very petitioner has challenged those proceedings before the Debts Recovery Tribunal in S.A.No.121 of 2022, which is pending.

5. Learned counsel appearing for the petitioner would submit that the petitioner would be satisfied with a direction to the Debts Recovery Tribunal to dispose of the said SARFAESI Application in S.A.No.121 of 2022, in a time bound manner.

6. Considering the said request, this writ petition is disposed of with a direction to the Debts Recovery Tribunal, Madurai (at Coimbatore) to dispose



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of the SARFAESI Application in S.A.No.121 of 2022, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
PKN



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