



WEB COPY

W.P.(MD)No.11637 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.11637 of 2023
and
W.M.P.(MD)No.10103 of 2023**

M.Veerakubendran

... Petitioner

-VS-

1.The General Manager/Authorized Officer,
Cholamandalam Investment & Finance Co. Ltd.,
2, NSC Bose Road,
Parris,
Chennai - 600 001.

2.The Branch Manager/The Authorized Officer,
Cholamandalam Investment & Finance Co. Ltd.,
3-1-45/9, 2nd Floor,
Theni Cumbum Main Road,
Opp. to TNEB,
Theni,
Theni District – 625 531.

3.The State Rep. By
The Inspector of Police,
Cumbum North Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned auction sale notice, dated 27.04.2023, issued by the first respondent under



W.P.(MD)No.11637 of 2023

Rules 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002, quash the same and consequently, direct the respondents not to take any consequential action as against the petitioner's property in furtherance of the impugned auction sale notice, dated 27.04.2023, based on the petitioner's representation dated 03.05.2023.

For Petitioner	: Mr.C.Ezhilarasu
For R1 and R2	: Mr.V.Sukumar Standing Counsel
For R3	: Mr.M.Sarangan Additional Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition has been filed challenging the impugned auction sale notice, dated 27.04.2023, issued by the first respondent under Rules 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002.

2.Today, when the matter was taken up for hearing, learned Standing Counsel appearing for the respondents 1 and 2 submitted that the petitioner has already filed S.A.No.299 of 2021 before the Debts Recovery Tribunal, Madurai, and the same is pending.



Further, the petitioner has violated the conditional order passed by the Tribunal and broke open the premises, for which, a case has also been registered against the petitioner.

3.Since we are unable to accept the conduct of the petitioner, the Writ Petition fails and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index: Yes / No
Internet: Yes
smn2

[T.R., A.C.J.] [L.V.G., J.]
18.05.2023

To

The Inspector of Police,
Cumbum North Police Station,
Theni District.



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W.P.(MD)No.11637 of 2023:

T.RAJA, A.C.J.

and

L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P.(MD)No.11637 of 2023

DATED : 18.05.2023