



W.P(MD)No.15507 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN**

**W.P(MD)No.15507 of 2020
and
W.M.P(MD)No.13016 of 2020**

1.Mrs.S.Sivagami Sundari
2.Mrs.S.Visalakshi
3.Manonmani

... Petitioners

Vs.

1.The Authorized Officer,
Tamilnad Mercantile Bank Ltd.,
No.209, Palakarai Main Road,
Mailam Chandai,
Tiruchirapalli – 620 008.

2.Tamilnad Mercantile Bank Ltd.,
Rep. by its Branch Manager,
No.209, Palakarai Main Road,
Mailam Chandai,
Tiruchirapalli – 620 008.

3.Thiru.S.Muralidharan

4.Debts Recovery Tribunal Madurai,
III & IV Floor, Kalyani Towers,
No.4/162 Madurai-Melur Road,
(Near Meenakshi Mission Hospital),
Uthangudi Post, Madurai – 625 107.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order dated 03.03.2020 made in I.A.Sr.No.15538 of 2018 in S.A.No.18 of 2019 on the file of the fourth respondent herein and quash the same.

For Petitioner : Mr.V.Veerapandian

For R-1 & R-2 : Mr.N.Dilipkumar,
Standing Counsel

For R-3 : No Appearance

ORDER

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

Heard the learned counsel appearing on either side.

2. The present writ petition is filed against the order passed in I.A.Sr.No.15538 of 2018 in S.A.No.18 of 2019 by the Debts Recovery Tribunal, Madurai, wherein the right claimed by the petitioner for redemption of her property is negatived.

3. The learned counsel for the petitioner submits that the petitioner is ready to redeem the property by paying the amount due



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and payable. However, only on the ground that after the auction sale, the right of redemption is lost, the impugned order is passed.

4. The learned counsel for the petitioner does not dispute that the property is sold under the SARFAESI Act, 2002. The Hon'ble Apex Court in the case of **Celir LLP v. Bafna Motors (Mumbai) Pvt. Ltd.**, reported in **2023 SCC OnLine SC 1209**, has held that the right to redeem is lost after the auction sale notice is issued. The auction is after the amendment to the provisions of Rule 13(8) of the SARFAESI Act.

5. In light of that, no error is committed by the Debts Recovery Tribunal. It is only if the sale is challenged on the ground of illegality or irregularity, then petitioner can agitate in respect of the same.

6. The writ petitions is accordingly disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[K.K.R.K., J.]

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Index : Yes / No
Neutral Citation : Yes / No
PM



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THE HONOURABLE CHIEF JUSTICE
and
K.K. RAMAKRISHNAN, J.

PM

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