



W.P(MD)No.13911 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P(MD)No.13911 of 2023

and

W.M.P(MD)No.11741 of 2023

N.Premalatha

... Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Tallakulam Branch,
Madurai.

2.Mrs.Jegaveera Ambigapathy,

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the E-Auction Sale Notice dated 05.05.2023 in Ref:MDU/TAL/SN/PRE/2023-24 under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), issued by the respondent and set aside the same and direct the first respondent bank by receiving the EMD amount and not to confirm the sale and consequently direct the first respondent bank to



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give the chance for settlement through OTS scheme in respect of the petitioner's dues with respect to loan account Nos.1012256006622, 1012606022005, 1012740027714, 173000116265, at Tallakulam Branch, Madurai.

For Petitioner : Mr.K.K.Samy
For R-1 : Mr.R.Pandivel,
Standing Counsel

ORDER

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

We have heard Mr.K.K.Samy, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel for the bank.

2. The petitioner is challenging the sale. The learned counsel for the petitioner submits that at the time when the writ petition was filed, the Presiding Officer was not available in the Debts Recovery Tribunal. Now, the Presiding Officer is available.



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3. In light of that, we dispose of the writ petition with liberty to the petitioner to avail the alternative remedy. In that event, all the contentions of the parties are kept open. It is for the petitioner to take the benefit of Section 14 of the SARFAESI Act, 2002. No Costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(C.K., J.)

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NCC : Yes/No
Index : Yes/No
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and
C.KUMARAPPAN, J.

PM

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