



W.P.(MD) No.14668 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

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

**W.P.(MD) No.14668 of 2023
and
W.M.P (MD) No.12384 of 2023**

J.Jesarin

... Petitioner

-VS-

The Authorized Officer,
Cholamandalam Investment and Finance
Limited,
First Floor, Dare House,
No.2, N.S.C.Bose Road, Chennai 600 001.

... Respondent

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 06.06.2023, under the Securitisation and Reconstruction of Financial Assets



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and Enforcement of Security Interest Act, 2002 (SARFAESI Act), issued by the Respondent and quash the same.

For Petitioner : Mr.T.Wins

For Respondent : Mr.V.Sukumar

ORDER

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

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

2. Mr.V.Sukumar, learned counsel, takes notice for the respondent – Bank.

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



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4. The sale notice, dated 06.06.2023, issued by the respondent Bank, under Rule 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002, is under challenge in this writ petition.

5. Earlier, the petitioner had challenged the possession notice in W.P. (MD) No.5075 of 2023. Having entertain the writ petition, we had directed the petitioner to pay the amount due in six installments commencing from 30.03.2023.

6. The learned counsel appearing for the respondent – bank would submit that the said order has not been complied with. It is also seen from the records that the petitioner herein had moved the Debts Recovery Tribunal, Madurai, in S.A.No.146 of 2023 and an interim order was granted to him staying further action subject to the payment of Rs.10,00,000/- (Rupees Ten Lakhs only). The said order has also not been complied with.



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7. Hence, we do not see any *bona fides* in the writ petition and therefore, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
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