



W.P(MD)No.18160 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.18160 of 2023

and

W.M.P(MD)Nos.15142 & 15143 of 2023

M/s.V.R.Construction,
Rep. by its Managing Director,
R.Rajangam

... Petitioner

Vs.

The Authorized Officer,
Canara Bank,
Tallakulam,
Madurai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records pertaining to the impugned sale notice of the respondent in Ref:MDU/TAL/SN/VR/AUG/2023-24 dated 05.07.2023 and quash the same.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondent : Mr.C.Deepak,
Standing Counsel



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ORDER

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

We have heard Mr.S.Ramsundarvijayaraj, learned counsel for the petitioner and Mr.C.Deepak, learned Standing Counsel for the bank.

2. In fact, the petitioner has a remedy before the Debts Recovery Tribunal to challenge the auction sale.

3. This Court on 27.07.2023 had granted stay of the sale proceedings on the ground that the petitioner's lands are agricultural lands and are exempted under Section 31 of the SARFAESI Act, 2002.

4. The learned counsel for the respondent bank submits that in fact, the said lands are not agricultural lands and is used for construction activities.

5. The same would be a disputed question of fact. The petitioner has a remedy before the Debts Recovery Tribunal challenging the auction sale.



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6. The learned counsel for the bank submits that as stay was granted, the sale could not take place further and if the bank wants to take up sale, then fresh notice has to be issued.

7. In view of that, nothing survives in the writ petition. In case the bank issues fresh auction sale notice, the petitioner is at liberty to challenge the same before the Debts Recovery Tribunal as permissible under law.

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

(S.V.G., CJ.)

(C.K., J.)

30.08.2023

NCC :Yes/No
Index : Yes/No
PM



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THE HON'BLE CHIEF JUSTICE

and

C.KUMARAPPAN, J.

PM

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