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W.P.(MD) No.18611 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) No.18611 of 2023

and

W.M.P.(MD) No.15452 of 2023

M/s.Sri Meenakshi Educational
and Social Welfare Trust
rep.by its Trustees
B.Karthikeyan (Chairman)
S/o.Balakrishnan
No.4/35/2, Rajaji Street
Paramakudi Town
Ramanathapuram District

... Petitioner

-vs-

- 1.M/s.Karur Vysya Bank Ltd.,
Madurai Main Branch
No.2874 Amman Sannathi St. Madurai
rep.by its Authorized Officer / Chief Manager
Senthilkumaran (age 49)
- 2.The Authorized Officer
Karur Vysya Bank Limited
Madurai Main Branch
44, West Tower Street
Madurai-625 001



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3.The Authorised Officer
Assistant Recovery Branch
R.S.No.170/9, Uthamgudi Village
Near Mathuthavani Bus Stand, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned sale notice issued by the respondent under Section 8(6) of the SARFAESI Act vide proceedings in KVP/ARB/MDU/AUC/Meenakshi/01/23-24 dated 04.07.2023 and quash the same as illegal and unconstitutional and consequently directing the respondent bank to take necessary action in accordance with rules for one time settlement by giving reasonable opportunity to the petitioner by considering the representation dated 07.07.2023.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.V.Sugumar
Standing Counsel

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The E-Auction sale notice, dated 04.07.2023, issued by the respondent – Bank, is sought to be quashed in the present writ petition.



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2. The writ petition is not entertainable, since action was initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and if aggrieved, the petitioner is at liberty to approach the jurisdictional Debts Recovery Tribunal for redressal of his grievance. Granting fifteen days time from the date of receipt of a copy of this order to the petitioner to approach the jurisdictional Debts Recovery Tribunal, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

20.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note:

The Registry is directed to return the original sale notice, dated 04.07.2023 to the learned counsel for the petitioner, after obtaining due acknowledgement and retaining a copy of the same for file.

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S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

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