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W.P.(MD) No.20254 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.20254 of 2023

S.Balasubramanian

... Petitioner

-VS-

1.The Authorized Officer
Canara Bank
Thirunagar Branch
No.118/3C, Poonga Street
Thirunagar
Madurai-625 006

2.The Branch Manager
Canara Bank
Thirunagar Branch
No.118/3C, Poonga Street
Thirunagar
Madurai-625 006

... Respondents



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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 notice in Ref.MDU/REC/SN/Er BALA/JUL/2023-24 issued by the first respondent, dated 19.07.2023 and quash the same and direct the respondents to grant six months time for selling of the mortgaged property by the petitioner for the purpose of settling the loan and give No Objection Certificate (NOC) to the petitioner.

For Petitioner : Mr.S.Elangovan

For Respondents : Mr.P.Pethu Rajesh

ORDER

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

This writ petition is filed to quash the sale notice, dated 19.07.2023, issued by the respondent – Bank.

2. Mr.P.Pethu Rajesh, learned counsel, takes notice for the respondent – Bank.



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3. Having regard to the facts narrated by the learned counsel appearing for the respondent – Bank, this Court is unable to entertain this writ petition. Since the petitioner has an effective alternative remedy of approaching the Debts Recovery Tribunal under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, this writ petition is dismissed with liberty to the petitioner to approach the Debts Recovery Tribunal for appropriate relief. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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D.BHARATHA CHAKRAVARTHY, J.

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