



W.P.(MD) No.21240 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.21240 of 2023

and

W.M.P.(MD) No.17638 of 2023

M.Chinnasamy

... Petitioner

-VS-

The State Bank of India
Ayyampalayam Branch
No.1, Marutanathi Road
Ayyampalayam
Dindigul District-624204
Rep. by Authorised Officer

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records on the file of respondent pertaining to the Tender-cum-Auction adopting the e-Auction sale mode notice dated 25.07.2023 issued under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and also issued in terms of Rule 6 (2) and 8 (6) of Security Interest (Enforcement) Rules 2002



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thereby bringing the properties for auction sale by e-auction sale mode scheduled to be held on 30.08.2023 at 10.00 am to 3.00 pm.

For Petitioner : Mr.J.Selvarajan

For Respondent : Mr.N.Dilip Kumar, Standing Counsel

ORDER

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

We have heard Mr.J.Selvarajan, learned counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel, appearing for the respondent – Bank.

2. We asked the learned counsel for the petitioner whether the petitioner would deposit Rs.1,50,00,000/- (Rupees one crore and fifty lakhs) within fifteen days from today, the answer was in the negative.

3. We are not inclined to exercise our writ jurisdiction.

4. The petitioner is challenging the auction sale notice.



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5. The petitioner has a remedy before the Debts Recovery Tribunal.

6. It is submitted that the Debts Recovery Tribunal, Madurai, is not functioning this week and it will be functioning from 01.09.2023. Even otherwise, for confirmation of sale, fifteen days time is required.

7. In view of the above, we are not inclined to stall the auction proceedings. The auction proceedings may go on and it is for the petitioner to seek necessary orders by filing necessary application before the Debts Recovery Tribunal. In that event, all the contentions are kept open.

8. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., .C.J.]

[C.K., J.]

30.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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