



W.P.(MD).No.23791 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD).No.23791 of 2022
and
W.M.P.(MD).Nos.17856 and 17857 of 2022

S.Lakshmi

.. Petitioner

Vs.

- 1.The Authorized Officer,
Indian Overseas Bank,
Regional Office No.4,
Bharathidasan Salai,
Trichirapalli - 620 001.
- 2.M/s.Hotel Manivilasi Unit – I,
Represented by Proprietrix M.Sarojini.
- 3.M/s.Hotel Manivilas Unit – II,
Represented by Proprietrix M.Sarojini.
- 4.M/s.Vasan Canteen Services
Represented by one of the Partners,
S.Murugan.
- 5.S.Murugan



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6.The Deputy Superintendent of Police,
SPE, CBI, ACB, Chennai,
RC MA1 2009 A 0036.

7.R.S.Ravi

8.The Inspector of Police,
Srirangam Police Station,
Trichy City.

9.The Assistant Commissioner of Police,
Srirangam Range,
Amma Mandapam,
Srirangam,
Trichy City.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned sale certificate dated 02.12.2010 issued by the 1st respondent Bank and quash the same as illegal and consequently forbear the respondents 1 to 8 from in anyway dispossessing from the petitioner from the house property measuring 4980 sq.ft. with house building bearing Door No.8A (Old) New No.10 situated in Old T.S.No.1886/2, New T.S.No.2451 in Pulimandapam in Block No.38, in Old Ward No.2, New Ward B in Thimmarayasamuthiram Village, Srirangam, Trichy.

For Petitioner	: Mr.V.Santhakumaresan
For R-1	: Mr.N.Dilip Kumar
For R-6	: Mr.C.Muthu Saravanan
For R-7	: Mr.R.Sundar



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

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The present Writ Petition has been instituted challenging the sale certificate issued by the first respondent dated 02.12.2010.

2. The learned counsel appearing on behalf of the first respondent Bank made a submission that the sale held on 27.10.2010 is the subject matter of challenge before the Debts Recovery Tribunal, Madurai in S.A.No.299 of 2011.

3. By way of an amendment, the borrowers challenged the sale held on 27.10.2010. Since the sale itself is the subject matter of S.A.No.299 of 2011, this Court cannot adjudicate the validity of the sale certificate issued under the SARFAESI Rules by the Authorised Officer. The parties are at liberty to resolve the issues before the Debts Recovery Tribunal. Since S.A.No.299 of 2011 is pending for about 11 years on the file of the Debts Recovery Tribunal, Madurai, we request the Debts Recovery Tribunal to dispose of the matter as expeditiously as possible.



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4. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (L.V.G.,J.)
18.12.2023

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

To

- 1.The Deputy Superintendent of Police,
SPE, CBI, ACB, Chennai,
RC MA1 2009 A 0036.
- 2.The Inspector of Police,
Srirangam Police Station,
Trichy City.
- 3.The Assistant Commissioner of Police,
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Amma Mandapam,
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and
L.VICTORIA GOWRI,J.

Lm

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