



WMP(MD). No.18384 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Sixth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WMP(MD). No.18384 of 2023
in
WP(MD)No.19765 of 2023

Mr. Ibid Vino. Sd

... Petitioner/ Appellant/ Accused

Vs

1 The Authorized Officer
State Bank of India Stressed Assets
Recovery Branch (Sarab) Madurai (13165)
No.8 Dr. Ambedkar Road Vinayaga Nagar
Branch First Floor

... Respondent/Respondent/Complainant

Prayer :-

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to extend the time ordered by this Hon`ble Court in W.P.(MD) No.19765 of 2023 dated 14.08.2023 to pay the balance amount of Rs.14,25,000/- for a further period of two days and thus render justice.

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Prayer in WP(MD). 19765 of 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned E-Auction Sale Notice dated 07.07.2023 issued by the respondent bank published in The Hindu Paper Publication dated 08.07.2023 and quash the same as illegal.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. J.Karthick, Advocate for the Petitioner and of M/s. P.Pethu Rajesh, Advocate for the respondent, this Court made the following order:

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

This miscellaneous petition is filed for extension of time granted by this Court vide order dated 14.08.2023 in W.P.(MD) No.19765 of 2023 to pay the balance amount of Rs.14,25,000/-.

2. The respondent – Bank had earlier initiated proceedings to recover the amount due from the petitioner by sale of the properties mortgaged. Challenging



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the sale notice dated 07.07.2023, issued by the respondent – Bank, the petitioner filed the above writ petition before this Court.

3. This Court, on 14.08.2023, taking note of the fact that the Presiding Officer of the Debts Recovery Tribunal, Madurai, was not in office for a short period, passed the following order:

“4. In such circumstances, this Court with a condition that the petitioner may also be imposed with costs if he is unable to show his bona fides, is inclined to pass the following order:-

The sale proceedings shall go on as scheduled, but the confirmation of the sale is stayed on condition that that the petitioner shall pay a sum of Rs.29,25,000/- (Rupees Twenty Nine Lakhs and Twenty Five Thousand only), within a period of three weeks from today. In case, the petitioner fails to pay the said amount within the above stipulated time, it is open to the respondent Bank to proceed further in accordance with law and liberty is also preserved to the petitioner to approach the Debts Recovery Tribunal to pursue his pending application. This direction is only a stopgap arrangement in view of the fact that the Presiding Officer of the Debts Recovery Tribunal at Madurai is not in office for a short period.”



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4. It is admitted that the petitioner has also filed SARFAESI application in S.A.No.387 of 2023 challenging the sale notice, before the Debts Recovery Tribunal, Madurai. Having approached the Debts Recovery Tribunal challenging the sale notice issued by the respondent – Bank, the petitioner has failed to comply with the above directions issued by this Court. Though it is stated by the petitioner that a part amount out of Rs.29,25,000/- was paid by him, he had not fully complied with the directions issued by this Court. In the meanwhile, since the petitioner had not complied with the directions issued by this Court, it is reported by the learned Standing Counsel appearing for the respondent – Bank that the sale was confirmed in favour of the auction purchaser on 05.09.2023.

5. Without the auction purchaser being impleaded as a party respondent, this Court cannot extend the time, which would affect the rights and privileges of the auction purchaser guaranteed under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. In such circumstances, this Court is not inclined to entertain this extension of time application.



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6. Accordingly, this miscellaneous petition is dismissed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

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TO

The Authorized Officer
State Bank of India Stressed Assets
Recovery Branch (Sarab) Madurai (13165)
No.8 Dr. Ambedkar Road, Vinayaga Nagar Branch,
First Floor, Madurai.

Copy to:

1. The Presiding Officer, Debts Recovery Tribunal, Madurai.

2. The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai

+1. CC to M/S.P.PETHU RAJESH, Advocate SR.No.44642

ORDER DATED : 26/09/2023

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ORDER

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in

WP(MD)No.19765 of 2023

Giving direction and etc.
as stated within.

RD(05/10/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.
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