



W.P(MD)No.25141 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.25141 of 2022
and
W.M.P(MD)No.19234 of 2022**

G.Sadasivam

... Petitioner

VS.

1.The Debts Recovery Tribunal,
IV Floor, Kalyani Tower,
Melur Road,
Madurai.

2.The Authorized Officer,
Canara Bank,
SME Branch,
No.50, VMR Complex,
Bye Pass Road, Vasanth Nagar,
Madurai – 625 003.

3.Priyadharshini Suriyanarayanan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of declaration, declaring the impugned auction sale conducted by the second respondent on 20.08.2022 and the consequential sale certificate registered in favour of the third respondent

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dated 12.09.2022 bearing Document No.13144 of 2022 pursuant to the auction sale notice dated 01.08.2022 as null and void.

For Petitioner : Mr.Veera.Kathiravan
Senior Counsel for
Mr.S.Suresh

For R – 2 : Mr.V.S.Karthick

For R – 3 : Ms.Porkodi Karnan
for M/s.Polax Legal Solutions

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of declaration, declaring the impugned auction sale conducted by the second respondent on 20.08.2022 and the consequential sale certificate registered in favour of the third respondent dated 12.09.2022 bearing Document No.13144 of 2022 pursuant to the auction sale notice dated 01.08.2022 as null and void.

2.The learned counsel appearing for the second respondent/Bank submitted that pursuant to the auction sale notice, dated 01.08.2022, the third respondent has purchased the property and a sale certificate was issued in favour of the third respondent. Subsequently, a sale



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deed was also executed in favour of the third respondent who took possession of the said property.

3.Though the petitioner has raised several grounds in the Writ Petition, the same cannot be entertained under Article 226 of the Constitution of India and the petitioner is having a remedy before the Debts Recovery Tribunal.

4.Considering the facts and circumstances of the case, we are not inclined to entertain the Writ Petition. It is open to the petitioner to approach the Debts Recovery Tribunal challenging the aforesaid auction sale notice and the subsequent events that took place, within a period of four weeks from the date of receipt of a copy of this order. The period in which the Writ Petition is pending shall be excluded by the Debts Recovery Tribunal, if any appeal has been preferred by the petitioner.



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5.With the above observations, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
23.01.2023

Index : Yes / No
Internet : Yes
ps

To

- 1.The Debts Recovery Tribunal,
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.25141 of 2022

DATED : 23.01.2023