



W.P(MD)Nos.25947 & 22648 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2023

CORAM :

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

**W.P(MD)Nos. 25947 & 22648 of 2022
and
W.M.P(MD)Nos.16810, 19116 & 20090 of 2022**

W.P(MD)No. 25947 of 2022

V.Rajasekaran

... Petitioner

Vs.

1. The Authorized Officer,
Tamilnad Mercantile Bank Limited,
D.No.25/1, M.B.S. Araharam,
Trichy-Karur Main Road,
Kulithalai - 639 104.

2.Devichand Chilkendevi
Through the Tamilnad Mercantile Bank Limited.

3. K.Rajesh Kanna

... Respondents



W.P(MD)Nos.25947 & 22648 of 2022

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare that the auction sale conducted by the first respondent on 21.02.2022 as null and void and not in conformity with the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, inconsequentially direct the respondents and to restore the Auctioned property Land to the extent of 12644 Sq.ft situated at S.Nos.37/4 and 37/5 and Commercial building constructed threat to the extent of 3454 S.ft at D.No.V-4/39, Kambarasampatti, Srirangam Taluk, Tiruchirapalli District, infavour of the petitioner.

For Petitioner : Mr.T.Lajapathy Roy,
Senior Counsel
for Mr.R. Venkatesh

For Respondents : Mr.N.Dilip Kumar - for R-1
Standing Counsel
Mr.K.S.Vamsidhar -for R-2

W.P(MD)No. 22648 of 2022

K.Rajesh Kanna

... Petitioner

Vs.



W.P(MD)Nos.25947 & 22648 of 2022

1. The Authorized Officer,
Tamilnad Mercantile Bank Limited,
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Trichy-Karur Main Road,
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For Petitioner : Mr.T.Lajapathy Roy,
Senior Counsel, for
for Mr.K.Rajesh Kanna (Party in Person)



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For Respondents : Mr.N.Dilip Kumar – for R1

Standing Counsel

Mr.K.S.Vamsidhar -for R2

COMMON ORDER

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

Heard Mr.T.Lajapathy Roy, learned Senior Counsel for Mr.R.Venkatesh, learned counsel for the petitioner in W.P.(MD)No. 25947 of 2022 and for Mr.K.Rajesh Kanna, Party in person - petitioner in W.P.(MD)No.22648 of 2022, Mr.N.Dilip Kumar, learned Standing Counsel appearing for the first respondent and Mr.K.S.Vamsidhar, learned counsel appearing for the second respondent.

2. We had heard the matter on 30th August, 2023 and had passed the speaking order. We had observed that as the Presiding Officer is now available, the petitioners are required to approach the Debts Recovery Tribunal.

3. The learned counsel for the petitioners, on instructions, submitted that the petitioners would approach the Debts Recovery Tribunal against the impugned auction notice.



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4. In the light of that, the Writ Petitions are disposed of with liberty to the petitioners to avail the alternate remedy. In that event, all contentions of the respective parties are kept open. The interim protection granted by this Court earlier shall continue for a period of five (5) days from today, so as to enable to the petitioners to avail the alternate remedy.

5. It is needless to say, on lapse of five (5) days, the interim protection granted shall come to end. No costs. Consequently, connected miscellaneous petitions are closed.

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

[C.K., J.]

01.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

RM

Common Order made in
W.P(MD)Nos. 25947 & 22648 of 2022

01.09.2023