



W.P(MD)No.26146 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.26146 of 2022
and
W.M.P(MD)Nos.20307 of 2022 and 4895 of 2023**

1. R.Kanagaraj
 2. Mrs.Ambika Sundararajan
- ... Petitioners

-VS-

1. The Authorized Officer,
Cholamandalam Investment and Finance Company Ltd.,
Dare House, 2, N.S.C Bose Road,
Parrys, Chennai-600 001, India.

2. The Branch Manager,
M/s.Cholamandalam Investment and
Finance Company Ltd.,
Door No.1-A/3, 1st Floor,
Thayabaran Street,
Palayamkottai,
Tirunelveli-627 002,
Tirunelveli District.

3. Maruthaiya



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4. The Sub Registrar,
Karivalamvanthanallur,
Registration Office,
Sankarankovil Taluk,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order as passed by the 1st respondent by means of news paper publication on 06.09.2022 in connection with auction as conducted by respondents 1 and 2 on 21.09.2022 in relation to the petitioner's property bearing Survey No.623/1D measuring to an extent of 37cents = 0.15/0 H.A situated at Perumpathu Village, Perumpathu Panchayat, Sankarankovil Panchayat Union, Karivalamvanthanallur, Tenkasi District and quash the same as illegal, erroneous and arbitrary and consequently direct the 1st and 2nd respondents to handover the said property to the petitioners forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For R1 & R2	: Mr.V.Sugumar
For R3	: Mr.P.T.Ramesh Raja
For R4	: Mr.J.K.Jayaseelan, Government Advocate



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ORDER

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

Learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to challenge the sale certificate by way of SARFAESI appeal before the Debts Recovery Tribunal.

2. Therefore, the Writ Petition is dismissed as withdrawn. Liberty is given to the petitioner to challenge the sale certificate in the manner known to law by filing SARFAESI appeal before the Debts Recovery Tribunal. No costs. Connected miscellaneous petitions are closed.

[S.S.S.R, J.]

[D.B.C., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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