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W.P.(MD) No.26903 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.26903 of 2022
and
W.M.P.(MD) Nos.21070 & 22558 of 2022**

Mahali Mynthan

... Petitioner

-vs-

1.The Regional Director
Reserve Bank of India
Department of Non-Banking Supervision
Fort Glacis, 16 Rajaji Salai
Chennai-600 001

2.The Authorized Officer
Tamil Nadu Industrial Investment
Corporation Ltd.,
No.143, Cape Road
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus calling for the records of the impugned order



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passed by the second respondent dated 17.11.2022 and quash the same as illegal and consequently direct the second respondent to extend the period of time limit to remit the balance bid amount as per sale confirmation letter issued by the second respondent dated 23.09.2022 for the auction sale for purchase of primary machinery and for the purchase of collateral land measuring 10 Cents comprised in R.S.No.43/4, Mathusoothanapuram Village, Agastheeswaram Taluk, Kanyakumari District, on the basis of petitioner's representation made before the second respondent herein by RPAD dated 06.11.2022 and to issue sale certificate to the petitioner.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.R.Saravanan for R2

ORDER

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

The order, dated 17.11.2022, passed by the second respondent, is sought to be quashed in the present writ petition.

2. The writ petition is not entertainable, since action was initiated under the Securitization and Reconstruction of Financial Assets and



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Enforcement of Security Interest Act, 2002 and if aggrieved, the petitioner is at liberty to approach the jurisdictional Debts Recovery Tribunal for redressal of his grievance. Granting fifteen days time from the date of receipt of a copy of this order to the petitioner to approach the jurisdictional Debts Recovery Tribunal, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

20.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note:

The Registry is directed to return the original order, dated 17.11.2022 to the learned counsel for the petitioner, after obtaining due acknowledgement and retaining a copy of the same for file.

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