



W.P.(MD)No.26436 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.26436 of 2023

and W.M.P.(MD) Nos.22737 and 22739 of 2023

M.Kajamaideen

... Petitioner

Vs.

The Manager / Authorized Officer,
State Bank of India,
Stressed Assets Recovery Branch,
No.8, Dr.Ambedkar Road,
Vinayagar Nagar Branch First Floor,
Madurai.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the respondent's impugned Sale Notice dated 05.04.2023 and quash the same as illegal and forbearing the respondent's Bank, their men, agents proceeding further for sale of the petitioner's properties.

For Petitioner : Mr.M.Shakul Hameed



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For Respondent : Mr.P.Pethu Rajesh

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Sale Notice dated 05.04.2023, issued by the Authorized Officer is under challenge in the present Writ Proceedings.

2. The petitioner without resorting to the remedy available under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by approaching the Debts Recovery Tribunal, has chosen to file the Writ Petition, challenging the Sale Notice.

3. Learned counsel for the respondent made a submission that E-Auction was already conducted on 27.04.2023 and the Sale Certificate under Rule 9(6) of the SARFAESI Rules has been issued in favour of the auction purchaser and the auction purchaser registered the Sale Certificate under the Registration Act.

4. This being the development occurred, it is for the petitioner to redress his grievances before the appropriate forum in the manner known to law.



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5. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Writ Miscellaneous Petitions are closed.

(S.M.S., J.) & (R.K.M., J.)
03.11.2023

NCC : Yes / No

Index : Yes / No

SJ



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AND

R.KALAIMATHI, J.

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