



W.P.(MD)No.26637 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.26637 of 2023
and W.M.P.(MD) No.22901 of 2023

Anju

... Petitioner

Vs.

1.The Authorized Officer,
Karur Vysya Bank Ltd.,
Asset Recovery Bank,
Uthangudi Village,
Near Mattuthavani Bus Stand,
Madurai.

2.The Branch Manager,
Karur Vysya Bank Ltd.,
Mattuthavani Branch,
Madurai.

3. G.Lakshmi

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ Mandamus, to direct respondents Bank 1 and 2 to consider the representation dated 09.08.2023 and accept the petitioner's payment with regard to the sale notice dated 09.08.2023 for the schedule mentioned property.



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For Petitioner : Ms.A.Rajini
For Respondents : Mr.P.Madhan Alexander
Standing Counsel
for R1 & R2

ORDER

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

The relief sought for in the present Writ Petition is to direct the respondents Bank 1 and 2 to consider the representation dated 09.08.2023 and accept the petitioner's payment with regard to the sale notice dated 09.08.2023 for the schedule mentioned property.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of third respondent also, notice to the third respondent is dispensed with.

3. It is not in dispute that the third respondent committed default in repayment of loans and the respondents 1 and 2 initiated action under the SARFAESI Act and the learned counsel appearing on behalf of respondents 1 and 2 made a submission that the subject property was already sold through public



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auction and the sale certificate was issued, which was registered under the Registration Act.

4. The petitioner states that she is an agreement holder and she paid a sum of Rs.5,00,000/- to the third respondent. However, the petitioner has not established any right so as to grant liberty to the petitioner to approach the Debts Recovery Tribunal by invoking the provisions of the SARFAESI Act. Thus, the petitioner is at liberty to approach the competent forum in order to redress her grievances in the manner known to law.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
06.11.2023

NCC : Yes / No
Index : Yes / No
SJ



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AND

V.LAKSHMINARAYANAN, J.

SJ

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