



W.P.No.11351 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11351 of 2024

S.Subramanian

.. Petitioner

Vs.

1. JM Financial Asset Reconstruction Company Ltd.

Acting in its Capacity as Trustee of JMFARC -

Karnataka Bank Limited

7th Floor, Cnergy

Appasaheb Marathe Marg

Prabhdevi, Mumbai – 400 025.

2. The Branch Manager

M/s.Karnataka Bank Limited

United India Colony

Kodambakkam, Chennai – 600 024.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records pertaining to the sale notice dated 20.03.2024 issued by the 1st respondent on behalf of the 2nd respondent and quash the same as illegal, arbitrary and in violation of the undertaking in order dated 26.06.2018 in W.P.No.8805 of 2018 passed by this Court.



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For the Petitioner : Mr.Sethuraman
for Mr.A.Arokia Satheesh
For the Respondents : Mr.Surya Teja SS Nalla
for R1

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Sethuraman, learned counsel appearing for Mr.A.Arokia

Satheesh, learned counsel for the petitioner and Mr.Surya Teja SS

Nalla, learned counsel for the first respondent / caveator.

2. The petitioner is challenging the sale notice issued by the first respondent.

3. According to learned counsel for the petitioner, the Original Application filed by the first respondent for recovery is at the final stage. The petitioner has challenged the mortgage and earlier also, the first respondent proceeded for sale. The petitioner filed a writ petition and subsequently withdrew the said writ petition on the ground that the Original Application is now at the final stage.



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4. All these aspects can be considered by the Debts Recovery Tribunal. The sale notice can be challenged before the Debts Recovery Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner may approach the Debts Recovery Tribunal. In that event, all contentions of the petitioner are kept open.

5. The writ petition, accordingly, stands disposed of. There shall be no orders as to costs. Consequently, W.M.P.No.12446 of 2024 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

23.04.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(drm)

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