



W.P.No.11706 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM :

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

AND

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

W.P.No.11706 of 2024

Minor P.Abitha

Rep. by her grandfather and natural guardian

Mr.Arumugam K.K

.. Petitioner

Vs.

The State Bank of India

Rep. by its Authorised Officer

A.D.O. Branch, Sathyamangalam

Erode.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, to forbear the respondent from conducting E-Auction on 26-04-2024 of the mortgaged properties/secured assets of the petitioner till the pending disposal of the set-aside petition in AIR No.2118/2023 along with condone delay petition in AIR.No.2117/2023 preferred before the Debts Recovery Tribunal Coimbatore against the ex-parte order dated 27-07-2015 in O.A.No.567/2013 passed by the Debts Recovery Tribunal, Madurai.

For the Petitioner

: Mr.I.M.Siddartha Ramarajan



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.I.M.Siddartha Ramarajan, learned counsel for the petitioner.

2. The petitioner is challenging the auction sale, being conducted pursuant to the recovery certificate issued by the Debts Recovery Tribunal.

3. The auction sale is scheduled to be conducted on 26.04.2024. The petitioner has already filed an application for setting aside the ex-parte recovery certificate and the same is pending before the Debts Recovery Tribunal. The petitioner can also raise objections to the auction sale by filing an application before the Recovery Officer. All the contentions can be raised by the petitioner before the Recovery Officer. The Recovery Officer shall consider the application, that may be filed by the petitioner, expeditiously on its own merits considering that the auction sale is already scheduled.

4. With liberty to the petitioner to take necessary steps before



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the Recovery Officer and/or the Presiding Officer, Debts Recovery Tribunal, the present writ petition stands disposed of. All contentions of the respective parties are kept open. There shall be no orders as to costs. Consequently, W.M.P.No.12796 of 2024 is closed.

(S.V.G., CJ.)

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

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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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