



C.R.P.No.797 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

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1. Indian Overseas Bank
Rep. by its Assistant General Manager
Asset Recovery Management Branch
Ground Floor, Central Office Building
763, Anna Salai
Chennai 600 002.
2. The Authorised Officer
Indian Overseas Bank
Asset Recovery Management Branch
Ground Floor, Central Office Building
763, Anna Salai
Chennai 600 002.
3. Senior Manager
Indian Overseas Bank
Hi-Tech Agro Branch
No.69, First Floor
Sir Theyagaraya Road
T.Nagar, Chennai 600 017.

.. Petitioners

Vs.

1. M.S.K.Rameshraj



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2. R.Kokila

3. R.Srinivasan

.. Respondents

Prayer: Petition filed under Article 227 of the Constitution of India against the order dated 09.05.2023 made in S.A.No.536 of 2022 on the file of Debts Recovery Tribunal III at Chennai.

For the Petitioners : Mr.F.B.Benjamin George

For the Respondents : Ms.G.Selvi George

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.F.B.Benjamin George, learned counsel for the petitioners and Ms.G.Selvi George, learned counsel for the respondents.

2. The present respondents had challenged the sale notice issued by the petitioners. The Debts Recovery Tribunal allowed the Securitisation Application filed by the respondents. Aggrieved thereby, the present petition.



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3. In normal course, we would not have entertained the present revision and would have relegated the petitioners to alternate remedy before the Debt Recovery Appellate Tribunal. However, it is submitted that pursuant to the sale notice, the sale did not take place and if any action is to be taken for sale of the property, the petitioners will have to issue a fresh sale notice which the respondents can challenge.

4. The petitioners are only concerned with the observations made by the Presiding Officer of the Debts Recovery Tribunal to the effect that the petitioners have not furnished any evidence to establish service of demand notice on the respondents, service of possession notice and affixture of possession notice. According to learned counsel for the petitioner bank, all these documents were placed on record in the previous proceedings before the Debts Recovery Tribunal.

5. According to learned counsel for the respondents, in the absence of any documents, no error has been committed by the



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Debts Recovery Tribunal in passing the impugned order.

6. Be that as it may, the sale has not taken place. As far as the observation of the Presiding Officer that the petitioners had not established service of demand notice on the respondents, service of possession notice and affixture of possession notice is concerned, the said observation is limited to the Securitisation Application before the Presiding Officer and the same would not be a finding in general terms.

8. The aspects as to whether the demand notice was served on the respondents, possession notice and affixture of sale notice, are kept open for both the parties to agitate, if any fresh proceedings are initiated.

9. With these observations, the civil revision petition stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.3937 of 2024 is closed.



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(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

(kpl)

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