



W.P.No.35475 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35475 of 2023

Sudha Mohanraj

.. Petitioner

Vs.

1. The Presiding Officer
Debts Recovery Tribunal
Coimbatore.
2. The Union of India
Rep. by Punjab National Bank
Mid Corporate Centre – Coimbatore
No.109, Sarojini Street
Ram Nagar, Coimbatore – 641 009.
3. The Joint – I Sub Registrar
Coimbatore North, Coimbatore.
4. A.Kaniraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to dispose petitioner securitisation appeal filed under Section 17(7) of the SARFAESI Act SA(NDN) No.1563 of 2023 as expeditiously as possible



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and consequently forbear the fourth respondent from registering any documents presented by 2nd and 3rd respondent relating to petitioner property situated at Ward No.3, Old T.S.No.1597, New T.S.No.477, Kumarapalayam Village, Coimbatore South Taluk, in site No.33 and 34 to an extent of 5780.50 sq.ft., (as per deed 5932 sq.ft., or 13 cents and 268 sq.ft. of land) with west facing 7 RCC Commercial shops, Selvapuram, South Main within the limits of Coimbatore Corporation.

For the Petitioner : Mr.S.Venkatesh

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.S.Venkatesh, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is the guarantor. The petitioner has filed an application, challenging the auction sale before the Debts Recovery Tribunal. There is a delay and the application for condonation of the delay was filed on 05.09.2023. However, the same is not yet decided by the Debts Recovery Tribunal. All the respondents have appeared, but are prolonging the matter. It is further submitted that the next date is fixed on 18.01.2024.



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3. The petitioner shall make a request to the Debts Recovery Tribunal for taking up the application on the said date. The Debts Recovery Tribunal shall consider the said request of the petitioner on its own merits.

4. With these observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.35449 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

04.01.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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