



W.P(MD)No.3646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

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CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU**

**W.P.(MD)No.3646 of 2023
and
W.M.P.(MD)Nos.3414, 3415 & 3419 of 2023**

1.S.Zackaria

2.Yasin Brick Works Private Limited,
Represented by its Director, S.Zackaria,
R.S.No.23/13, 14, 1B, 1A, 5B, 24/3A, 4A,
Madurai Rameswaram Main Road,
Puliyankulam Village, Silaiman, South Taluk,
Madurai – 625 201.

... Petitioners

Vs.

Karur Vysya Bank,
Asset Recovery Branch,
Represented by its Authorised Officer,
No.1, 2nd Floor, Padmavathiyar Road,
(Off Peters Road), Gopalapuram,
Chennai – 600 086.
Respondent

...



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order of the Learned Chief Judicial Magistrate Court at Madurai in CrI.M.P.No.556 of 2022 dated 07.06.2022 and 06.08.2022 and Sale Notice dated 12.01.2023, issued by the respondent and quash the same.

For Petitioners : No appearance

For Respondent : Mr.V.Sukumar

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner is challenging the order passed by the learned Chief Judicial Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Learned Advocate for the Bank submits that the Bank has already taken physical possession of the subject property. Subsequently, the sale is also conducted. The sale certificate is also issued to the auction purchaser and the auction purchaser is put in



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possession of the subject property.

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3.Even otherwise, the petitioner ought to have resorted to the remedy before the Debts Recovery Tribunal.

4.As none appears for the petitioner, the writ petition is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

[P.D.A., J.]

[S.V.G.,

C.J.]

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Index : Yes / No
Neutral Citation : Yes / No
MR



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THE HONOURABLE CHIEF JUSTICE
and
P.D.AUDIKESAVALU, J.

MR

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