



WEB COPY



W.P.(MD) No.4646 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.4646 of 2024

and

W.M.P.(MD)Nos.4481 and 4483 of 2024

V.Mathivanan

... Petitioner

-Vs-

M/s.Indian Overseas Bank,
Thirukattuthurai Branch,
D.No.118, S.F.No.100A,
Kodumudi Main Road,
Nadaiyanoor Post, Karur District-639117,
Rep. by its Authorized Officer,
Chief Manager, K.Aswath Raman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order dated 03.08.2022 in C.M.P.No.582 of 2022, passed under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) by the learned Chief Judicial Magistrate, Karur and quash the same as illegal.



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Aggrieved by the same, the petitioner filed an appeal in R.A.(SA)No.9 of 2024 before the Debts Recovery Appellate Tribunal (DRAT), Chennai. Pending the same, the Advocate Commissioner has issued a notice dated 13.02.2024 stating that he will take physical possession of the property and hand over the same to the respondent. In such circumstances, the petitioner is before this Court.

4.Considering the facts and circumstances of the case, we are of the view that the petitioner has already approached the Debts Recovery Appellate Tribunal by filing an appeal and the same is pending. Therefore, the petitioner has to seek his remedy only before the Appellate Tribunal. Further, the respondent already conducted e-auction sale and issued sale certificate. In such circumstances, we are not inclined to entertain this Writ Petition, accordingly, this Writ Petition stands dismissed with liberty to the petitioner to workout his remedy only before the Appellate Tribunal, Chennai. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
28.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 29.02.2024.

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