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W.P.(MD) No.5281 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5281 of 2024

and

W.M.P.(MD)Nos.5064 and 5065 of 2024

S.Ayyanar

... Petitioner

-Vs-

1.The Authorized Officer,
The General Manager,
Canara Bank Ltd.,
Acchandavilthan Branch,
Srivilliputhur Taluk,
Virudhunagar District.

2.Ukkirapandiyan

... Respondents

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 impugned sale certificate dated 27.11.2023 and the sale deed dated 08.12.2023 issued by the first respondent under the SARFAESI Act, 2002 and to quash the same as illegal.

For Petitioner : Mr.K.Muthurakkan



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the sale certificate dated 27.11.2023 and the sale deed dated 08.12.2023 issued by the first respondent under the SARFAESI Act, 2002, the petitioner has filed this writ petition.

2.Perusal of the records shows that the sale certificate was issued to the borrower and the same was registered on 08.12.2023 and the property was handed over to the auction purchaser. Only after the sale certificate was registered, the petitioner has filed the present writ petition.

3.The Hon'ble Supreme Court in *Celir LLP vs. Bafna Motors (Mumbai) Pvt. Ltd., and others [2023 SCC online SC 1209]*, has held that the right of redemption available to the borrower under the present statutory regime is drastically curtailed and would be available only till the date of publication of the notice under Rule 9(1) of the Rules of 2002 and not till the completion of the sale or transfer of the secured asset in favour of the auction purchaser.



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4. In view of the decision rendered by the Hon'ble Supreme Court, this Court is not inclined to entertain the writ petition. Accordingly, this writ petition is dismissed. It is always open to the petitioner to challenge the auction proceedings before the Debt Recovery Tribunal under the provisions of the SARFAESI Act. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
06.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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