



W.P.(MD).No.1041 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.01.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD).No.1041 of 2024
and

W.M.P.(MD).Nos.1045, 1048 to 1050, 1052, 1054, 1060, 1062, 1063 and
1071 of 2024

D.Dhuvaraganath

.. Petitioner

Vs.

1.The Chief Manager,
Canara Bank,
SME Branch,
Nehruji Nagar,
Dindigul District.

2.The Authorized Officer,
Canara Bank,
SME Branch,
Nehruji Nagar,
Dindigul District.

3.Srinivasan Chinnasamy

4.Jayaprabakar

5.J.Varnashree

6.The Sub Registrar,
Sanarpatty,
Dindigul District.



W.P.(MD).No.1041 of 2024

7. The Superintendent of Police,
Central Bureau of Investigation,
Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent starting from the Demand Notice dated 31.01.2022, 30.05.2022 and 12.10.2022, Possession Notice dated 12.12.2022 ending with Sale Notice dated 22.12.2022 and 21.11.2023, quash the same and in consequence thereof declare the Sale held on 31.01.2023, Sale Certificate issued on 27.02.2023, registered on 08.03.2023 as Document No.830/2023 with the 6th respondent as void, illegal, defective and unenforceable in law.

For Petitioner : Mr.S.Rengasamy

For R-1 & R-2 : Mr.P.Pethu Rajesh

For R-6 & R-7 : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

DR.G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.

The present Writ Petition is filed challenging the orders passed by the second respondent starting from the demand notice dated 31.01.2022, 30.05.2022 and 12.10.2022, possession notice dated 12.12.2022 ending with sale notice dated 22.12.2022 and 21.11.2023 and declare the sale held on



W.P.(MD).No.1041 of 2024

31.01.2023, sale certificate issued on 27.02.2023, registered on 08.03.2023 as Document No.830/2023 with the 6th respondent as void, illegal, defective and unenforceable in law.

2. The learned counsel for the petitioner submits that Section 5 of the Limitation Act is not applicable to SARFAESI Act and therefore, he has filed the present Writ Petition for the above relief. We are unable to countenance such a submission. It is well settled that the right to redemption stands extinguished on the sale certificate getting registered. In this case, since the sale has already been completed and sale certificate was issued, the Writ Petition is not maintainable.

3. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(G.J.,J.) (K.K.R.K.,J.)
19.01.2024

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



W.P.(MD).No.1041 of 2024

To

WEB COPY

1. The Sub Registrar,
Sanarpatty,
Dindigul District.
2. The Superintendent of Police,
Central Bureau of Investigation,
Madurai.



WEB COPY



W.P.(MD).No.1041 of 2024

DR.G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.

Lm

W.P.(MD).No.1041 of 2024

19.01.2024