



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,

ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.42 of 2022

1.V.Srimathi

2.S.D.Shankar

.. Petitioners

VS

1. The Authorised Officer,
ARM Branch,
Canara Bank, Coimbatore-2.

2. The Canara Bank,
Asset Recovery Management Branch,
T.V.Samy Road,
R.S.Puram, Coimbatore-2.

3. The District Collector,
Erode District, Erode.

4. The Tahsildar,
Modakkurichi Taluk,
Modakkurichi, Erode District.

5. Sengottuvvel

6. S.K.M. Animal Feeds Private India Ltd.,
rep. by its Managing Director Dr.Chandrasekar,
Nanjai Uthukuli,
Modakkurichi Taluk,
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the entire records relating to the impugned order passed by the fourth respondent in his proceedings Na.Ka.4669/2021/A2, dated 28.12.2021 and quash the same.



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For the Petitioners : Mr.C.Prakasam
For the Respondents : Mr.V.Kathirvelu
for respondent Nos.1 and 2
: Mr.P.Muthukumar
State Government Pleader
for respondent Nos.3 and 4

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed by the petitioners to challenge the order dated 28.12.2021 passed by the Revenue Tahsildar, Modakkurichi pursuant to the order passed by the District Collector, Erode on 23rd April, 2018 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "Act of 2002")

2. The facts on record show that the first petitioner had earlier also preferred a writ petition being W.P.No.26264 of 2021 to challenge the sale notice issued by the first respondent. By the order dated 09.12.2021, the said writ petition was withdrawn with liberty to maintain an appeal before the Debts Recovery Tribunal under Section 17 of the Act of 2002.

3. The pleadings of the writ petition do not show that an appeal was filed before the Debts Recovery Tribunal. The present writ petition has again been filed to challenge the order dated 28.12.2021 passed by the Revenue Tahsildar, Modakkurichi pursuant to the order dated 23.04.2018 passed by the District Collector, Erode under Section 14 of the Act of 2002. The appeal lies against the order passed by the District Collector.

4. At this stage, learned counsel appearing for the petitioners submitted that the appeal was filed before the Debts Recovery Tribunal yesterday. If the appeal has already been filed, then simultaneous proceedings of writ cannot be allowed. Rather, if the petitioner is aggrieved by the order impugned herein, he should have filed an application for grant of interim order before the Debts Recovery Tribunal in the appeal now preferred. The present writ petition is otherwise not maintainable because the order passed under Section 14 of the Act of 2002 by the District Collector, Erode has not even been challenged. The order now challenged is nothing but a consequential order to the order passed by the District



Collector, Erode dated 23.04.2018.

5. In view of the above, we do not find any ground to accept the prayer made in the present writ petition. It is, accordingly, dismissed. Consequently, W.M.P.Nos.42 and 43 of 2022 are closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Authorised Officer,
ARM Branch,
Canara Bank, Coimbatore-2.
2. The Canara Bank,
Asset Recovery Management Branch,
T.V.Samy Road,
R.S.Puram, Coimbatore-2.
3. The District Collector,
Erode District, Erode.
4. The Tahsildar,
Modakkurichi Taluk,
Modakkurichi, Erode District.

+1cc to Mr.V.Kathirvelu, Advocate, S.R.No.411

+1cc to the Government Pleader, S.R.No.693 (27/05/2022)

W.P.No.42 of 2022

KSM(CO)
CT 08/02/2022