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W.P.(MD) No.18343 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 31.07.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
and  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.18343 of 2023  
and  
W.M.P.(MD) Nos.15237 & 15238 of 2023**

R.Sudarshan Vinayak

... Petitioner

-vs-

The Authorized Officer  
Canara Bank  
Tallakulam, Madurai

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned sale notice of the respondent in Ref.MDU/TAL/SN/SV/AUG/2023-24, dated 05.07.2023 and quash the same.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondent : Mr.P.Pethu Rajesh



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**ORDER**

**[Order of the Court was made by S.S.SUNDAR, J.]**

This writ petition is filed challenging the sale notice, dated 05.07.2023, issued by the respondent – Bank, mainly on the ground that the secured assets, which are sought to be sold by the public auction, are agricultural lands and therefore, the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, “SARFAESI Act”) are not applicable to the case on hand.

**2.** Mr.P.Pethu Rajesh, learned counsel, who takes notice for the respondent – Bank, seriously disputes the issue. He referred to the reply given by the petitioner to the demand notice issued by the respondent – Bank earlier, wherein the petitioner has not raised any objection as to the applicability of the provisions of the SARFAESI Act.

**3.** Learned counsel for the petitioner, however, produced before this Court a copy of the Adangal Extract to show that the secured assets are under cultivation.



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**4.** Learned counsel for the respondent – Bank, however, reiterated that the secured assets are being used by the petitioner as paver blocks manufacturing Industry.

**5.** This Court finds that all these disputed question of facts cannot be gone into in a writ petition under Article 226 of the Constitution of India.

**6.** Hence, leaving it open to the petitioner to raise his objections before the Debts Recovery Tribunal by filing a SARFAESI Appeal, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**[S.S.S.R., J.]**

**[D.B.C., J.]**

**31.07.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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