

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.16624 of 2015
and
M.P. Nos.1 & 2 of 2015

Ravi Shankar Mangipudy
represented by his Attorney
M. Poorna Chandra
S/o Muni Venkata babu
No.39, Padmavathy Nagar, II Main Road
Madhavaram Milk Colony
Chennai 51

...Petitioner

vs.

- 1 The Authorised Officer/Assistant General Manager
State Bank of India
Stressed Assets Management Branch
"Red Cross Buildings"
No.32, Montieth Road
Egmore, Chennai 600 008
- 2 State Bank of India
represented by its Deputy General Manager
Industrial Finance Branch
No.155, Anna Salai
Chennai 600 002
- 3 M/s.General Nice Mineral Resources (India) Pvt. Ltd.
Represented by its Director Mr. Lau Yu
No.90, Chamiers Road
Chennai 600 018

- 4 General Nice Resources (Hong Kong) Ltd.
Represented by its Chairman Mr. CAI Sui Xin
VII and XX Floor
Lippo Leighton Tower
103, Leighton Road
Causeway Bay
Hong Kong
also now having office at
No.90 Chamiers Road
Chennai 600 018
- 5 Export Credit Guarantee Corporation of India
represented by its Executive Officer
756-L, Anna Salai
III Floor, Overseas Tower
Chennai 600 002
- 6 E-Procurement Technologies Ltd.
Represented by its Managing Director
Vel Amutha Towers
Old No.15, New No.7, Nallanna Mudali Street
Royapettah
Chennai 600 014

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the first respondent pertaining to their impugned proceedings initiated by the respondents 1 and 2 under Section 13(2) of the SARFAESI Act, 2002 dated 23.05.2014, 13(4) of the SARFAESI Act, 2002 dated 31.01.2015 and 02.02.2015 and e-auction notice under Rule 8(6) of the Security Interest (Enforcement) Rules dated 05.05.2015, quash the same and all further and consequential proceedings thereon as null and void ab initio, more particularly with reference to the properties set out in the Schedule to the writ petition hereunder:
Schedule of properties:

Properties belonging to Shri Ravishankar Mangipudy:

Item No.1

All that piece and parcel of property originally comprised in Survey No.443/1B and 443/2. Currently comprised in Survey Nos.443/1B2 and 443/2B, measuring an extent of 14,431 sq. ft. or thereabouts, in Vittalapuram Village, Thirukazhukundram Taluk, Kancheepuram District, along with the building existing thereon and the said land and

building bounded on the:

North by Lake comprised in Survey Nos.380,438 and 443/7
South by 40 Feet Road in Survey No.443/3
East by Road and land comprised in Survey No.443/6
West by Property belonging to Mrs. Tarangini S. Vakil

situated within the Registration District of Chingelput and Sub-Registration District of Thirukazhukundram.

(covered under Document No.841/2006)

Item No.2

All that part and parcel of land and building situated at Jandamedu, Gandhipet, Lovedale, Ooty, forming part of Ketti Village, Nilgiris Taluk, comprised in R.S. No.1161/1A, New Survey No.216/3 measuring an extent of 1.85 acres.

Bounded on the boundaries:

North by Property comprised in R.S. No.1161/1a part
South by Property comprised in R.S. No.1347
East by Property comprised in R.S. No.1347
West by Property comprised in R.S. No.1161/1A Part

lying within the Registration District of Nilgiris and Sub-Registration District of Coonoor.

(covered under Document No.473/2007)

For petitioner : Mr. J.T. Raja Surya
for Mr. S. Charles

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant writ petition has been filed questioning the legality and validity of the notice dated 23.05.2014 issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act"), the notice dated 31.01.2015 and 02.02.2015 issued under Section 13(4) of the SARFAESI Act and the e-auction notice dated 05.05.2015 issued under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 (for short "the Rules").

2 The case of the petitioner is that he stood guarantee for advancement of loan to the third respondent-borrower. After issuance of demand notice under Section 13(2) of the SARFAESI Act and after taking action under Section 13(4) of the SARFAESI Act, the bank has issued possession notice, but, auction could not be conducted and as such, some more time may be granted to clear the outstanding dues.

3 At this stage, we are not inclined to interfere in the proceedings. However, liberty is reserved to the petitioner to make an appropriate representation before the respondent bank, if so advised. In the event, the petitioner makes a representation, the respondent bank is advised to consider the same on merits and take necessary action, as permissible under the provisions of law.

4 The writ petition stands disposed of with the above observation. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Authorised Officer/Assistant General Manager
State Bank of India
Stressed Assets Management Branch
"Red Cross Buildings"
No.32, Montieth Road, Egmore, Chennai 600 008

2 The Deputy General Manager
State Bank of India
Industrial Finance Branch
No.155, Anna Salai, Chennai 600 002

2 CCs to Mr. S. Charles, Advocate SR.No. 28899

W.P. No.16624 of 2015

MP (CO)

PSI (24.06.2015)