

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.29520 of 2015
and
M.P.Nos.1 and 2 of 2015

Coimbatore District Textile Workers' Union,
rep by its Secretary,
C.Shanmugam,
S/o.Chinnaya Gounder,
2212, Thiyagi N.G.R. Mahal,
Trichy Road,
Singanallur,
Coimbatore. ... Petitioner

Vs.

- 1.The Authorised Officer,
State Bank of India,
Stressed Asset Management Branch,
1143, Raja Plaza, Avinashi Road,
Coimbatore-641 037.
- 2.The District Magistrate and
District Collector,
Coimbatore District,
Coimbatore.
- 3.M/s.Gangotri Textiles Ltd.,
rep by its Managing Director,
Shri Manoj Kumar Tibrewal,
35, Robertson Road,
R.S.Puram,
Coimbatore-641 002.
Vijayapuram Post.
- 4.M/s.AAA Textiles Pvt. Ltd.,
rep by its Managing Director,
Shri Rajashekar Subbiah,
Reg. Off: No.32, Bharathi Park Cross Road,
No.2, Saibaba Colony,
Coimbatore-641 011. .. Respondents

The writ petition is filed under Article 226 of the Constitution of

India seeking a writ of certiorarified mandamus calling for the entire records pertaining to the proceedings of the second respondent in Ref.No.21339/2014/E3 dated 30.08.2015 and quash the same, consequently forbear the 1st, 2nd and 4th respondents, their men, agents or servants from in any manner stalling the working conditions of the workers under the third respondent pending disposal of S.A.No.165 of 2015 on the file of the Debts Recovery Tribunal, Coimbatore.

For petitioner : Mr.V.Manohar

ORDER

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

The petitioner stated to be a workers' Union of the employees of the Textile Mills in Coimbatore District, has filed the instant petition, questioning the correctness of the order dated 30th August, 2015 passed by the District Magistrate and District Collector, Coimbatore in exercise of power under Section 14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act"). Seemingly, the third respondent obtained a loan on mortgage of the properties mentioned in the annexure to the impugned order. They have defaulted to repay the liability, which accumulated to the tune of Rs.360,24,15,321/-.

2 It appears that the first respondent Bank moved the District Magistrate for possession of the secured asset as aforesaid. The District Magistrate by the impugned order directed the Tahsildar, Sulur and Tahsildar, Annur to take possession of the mortgaged properties and hand over the same to the secured creditor, i.e., the first respondent herein. It also appears that one securitisation application, being S.A.No.165 of 2015 was filed by the petitioner Union before the Debts Recovery Tribunal, Coimbatore. This writ petition is to quash the order passed by the District Magistrate and also to restrain the respondents from interfering with the working conditions of the workers during the pendency of S.A.No.165 of 2015 on the file of the Debts Recovery Tribunal, Coimbatore.

3 We have already examined the issue as to whether the order passed under Section 14 of the SARFAESI Act is appealable or the writ petition is maintainable in this court. However, the order passed under Section 14 of the SARFAESI Act is appealable by any person as provided in Section 17, ibid. The petitioner has also chosen to file the securitisation application, which is pending on the file of the Debts Recovery Tribunal, Coimbatore and as such, we are not inclined to interfere at this stage, when the order passed by the District Magistrate is only to the effect of taking over the possession as

prescribed under the statutory provisions under Section 14 of the SARFAESI Act.

4 Without expressing any opinion on the merits of the case, we are of the view that this petition, at the instance of workers union, is not maintainable. Thus, the writ petition is dismissed, reserving liberty to the petitioner to take recourse to the appropriate remedy as available under the provisions of law, if so advised. The petitioner is also at liberty to seek redressal of their grievance, if any, in the manner known to law. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vvk

To

1.The Authorised Officer,
State Bank of India,
Stressed Asset Management Branch,
1143, Raja Plaza, Avinashi Road,
Coimbatore-641 037.

2.The District Magistrate and
District Collector,
Coimbatore District,
Coimbatore.

1 cc to Mr.V.Manohar , Advocate Sr.No.51174

W.P. No.29520 of 2015

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