



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) Nos.16504 and 16505 of 2015
and MP(MD).Nos.1 & 2 of 2015(in both W.Ps)

M/s.Rocksphere Granites
Represented by its Proprietor,
No.269, Sankarankovil Road,
Rajapalayam,
Virudhunagar District. ... Petitioner in W.P(MD)No.16504/2015

M/s.The Charnockite Product,
represented by its Proprietor,
No.269, Sankarankovil Road,
Rajapalayam,
Virudhunagar District. ... Petitioner in W.P(MD)No.16505/2015

Vs.

1.The State of Tamil Nadu rep by its
District Collector,
Virudhunagar District,
Virudhunagar.

2.The Deputy Regional Manager,
Bank of Baroda,
Regional Office,
Madurai.

3.The Chief Manager (DRM)
Authorized Officer,
Bank of Baroda,
Rajapalayam Branch,
Tenkasi Road,
Rajapalayam,
Virudhunagar District.

4.The Assistant General Manager,
Bank of Baroda, Rajapalayam Branch,
Rajapalayam,
Virudhunagar District. ... Respondents in both W.Ps.



Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 not to initiate any further proceedings under the SARFAESI Act, 2002 pending consideration of the petitioners representation/objection dated 17.07.2015 and 20.08.2015 and consequently direct the respondent to grant a six months time for payment of entire dues.

For Petitioners : Mr.A.Sivaji

For 1st Respondent : Mr.M.Alagadevan,
Special Government Pleader.

For Respondents 2-4 : Mr.Pala.Ramasamy
(In both W.Ps)

ORDER

(Order of the Court was made by **V.M.VELUMANI, J.**)

Heard Mr.A.Sivaji, learned counsel for the petitioner, Mr.M.Alagadevan, learned Special Government Pleader for the first respondent and Mr.Pala.Ramasamy, learned counsel for the respondents 2 to 4. By consent, the writ petitions are taken up for final disposal at the admission stage.

2.The prayer in the writ petitions is to direct the respondents 2 to 4 not to initiate any further proceedings under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 pending consideration of the petitioners objections dated 17.07.2015 and 20.08.2015 and to direct the respondents to grant six months time for payment of entire dues.

3.According to the petitioners, the petitioners borrowed a sum of Rs.1,56,96,515/- and Rs.64,36,635/- respectively. The third respondent issued notice under Section 13(2) of the SARFAESI Act, 2002. Therefore, the petitioners have sent objections on 17.07.2015 under Section 13(3A) of the SARFAESI Act, 2002. Since no final order has been passed so far, the present writ petitions have been filed.

4.Learned counsel for the respondents bank submitted that if three weeks time is granted, the bank will pass appropriate orders on the objections filed by the petitioner.

5.In such view of the matter, the writ petitions are directed to direct the bank to consider the objections filed by the petitioners under Section 13(3A) of the SARFAESI Act, 2002 dated 17.07.2015 and pass appropriate orders within a period of



three weeks from the date of receipt of a copy of this order. It is made clear that till such time, no further proceedings shall be taken in terms of Section 13(2) of the SARFAESI Act, 2002. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

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Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Deputy Regional Manager,
Bank of Baroda,
Regional Office,
Madurai.

3.The Chief Manager (DRM)
Authorized Officer,
Bank of Baroda,
Rajapalayam Branch,
Tenkasi Road,
Rajapalayam,
Virudhunagar District.

4.The Assistant General Manager,
Bank of Baroda, Rajapalayam Branch,
Tenkasi Road, Rajapalayam,
Virudhunagar District.

+2cc to Mr.A.SIVAJI,Advocate Sr.No. 53674,53675

+2cc to Mr.Pala.RAMASAMY,Advocate Sr.No.54565,54566

+1cc to Spl.GOvernemnt Pleader Sr.No. 53993

SMS

AA/AMF/27.10.2015/3p-10c

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