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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.22834 of 2015
and
M.P(MD)No.1 of 2015

Chellammal

... Petitioner

Vs.

- 1.The Zonal Manager,
State Bank of India,
Pudukottai,
Pudukottai District.
- 2.The Chief Manager,
Authorized Officer,
State Bank of India,
Arasarkulam Branch,
No.345, State Bank Road,
Aranthanki Taluk,
Arasarkulam,
Pudukottai District 614 616
- 3.The Branch Manager,
State Bank of India,
Arasarkulam Branch,
No.345, State Bank Road,
Aranthanki Taluk,
Arasarkulam,
Pudukottai District 614 616

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the entire records pertaining to the possession notice (for Immovable property) dated 06.11.2015 issued under Rule 8(1) of The Security Interest (Enforcement) Rules 2002 for the purpose of initiating proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 along with Rules by the 2nd respondent for the agricultural term loan in ATL Loan A/C No. 11423682345 11423682356 and 11423682367 and quash the same as illegal, incompetent, unconstitutional and irregular.

For Petitioner : Mr.R.Rajaraman
For Respondents : Mr.Pala.Ramasamy

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner has come up with the above writ petition challenging a possession notice issued under Section 13(4) of the SARFAESI Act, 2002.

2.Heard Mr.R.Rajaraman, learned counsel for the petitioner.

3.It is stated by Mr.Pala.Ramasamy, learned Standing Counsel who takes notice for the respondent bank that the petitioner's father borrowed money and created a security interest. The other legal heirs of the petitioner's father namely, the siblings of the petitioner have settled the entire loan amount on 18.12.2015. Therefore, the bank will not proceed under the SARFAESI Act, 2002. The bank has given a letter stating that they will not act on the possession notice and the paper publication and therefore, the writ petition is dismissed. No costs. Consequently, M.P (MD) No.1 of 2015 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Zonal Manager,
State Bank of India,
Pudukottai,
Pudukottai District.
- 2.The Chief Manager,
Authorized Officer,
State Bank of India,
Arasarkulam Branch,
No.345, State Bank Road,
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Arasarkulam,
Pudukottai District 614 616
- 3.The Branch Manager,
State Bank of India,
Arasarkulam Branch,
No.345, State Bank Road,
Aranthanki Taluk,
Arasarkulam,
Pudukottai District 614 616.

+1CC to Mr.R.Rajaraman, Advocate, SR.No. 72645.

+1CC to Mr.Pala Ramasamy, Advocate, SR.No.15540.

Writ Petition (MD) No.22834 of 2015
and

M.P (MD) No.1 of 2015
18.12.2015