

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM:

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

W.P. Nos.11015 and 11020 of 2016 and W.M.P. Nos.9579 to 9589 of 2016

United Bank of India
Virugambakkam Branch
No.83, Arcot Road
Virugambakkam
Chennai 600 092

represented by the Assistant General Manager Petitioner
in W.P.No.11015/2016 and 11020/16

vs.

1 R.A. Samy Trading Pvt. Ltd.
represented by Managing Director
R. Arumugasamy
No.20 & 21, Ranganathan Street
T. Nagar, Chennai

2 T.K. Kishore
Advocate Commissioner
Egmore Bar Association
Egmore, Chennai 600 008 Respondents in all W.Ps.

Prayer in W.P. No.11015 of 2016 to 11020/16:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of prohibition prohibiting the adjudication of proceedings in CrI.M.P. No.3249 of 2015 in CrI.M.P. No.4847 of 2014 dated 11.08.2015 on the file of the Chief Metropolitan Magistrate at Egmore.

For petitioner in
all the WPs Mr. F.B. Benjamin George

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Notice to the respondents is dispensed with at this stage, inasmuch as no order prejudicial to their interest is passed in these writ petitions.

2 While W.P. No.11015 of 2016 is filed by Union Bank of India, Virugambakkam Branch, seeking a writ of prohibition, prohibiting the adjudication of proceedings in Crl.M.P. No.3249 of 2015 in Crl.M.P. No.4847 of 2014 dated 11.08.2015 on the file of the Chief Metropolitan Magistrate Court at Egmore, the other writ petitions, viz., W.P. Nos.11016 to 11019 of 2016 are filed by the officers of the said bank challenging the summons dated 11 August 2015 and consequential proceedings in Crl.M.P. No.4301 of 2015 in Crl. M.P. No.3249 of 2015 in Crl.M.P. No.4847 of 2014 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai. Similarly, W.P. No.11020 of 2016 also is filed by Union Bank of India, Virugambakkam Branch, challenging the aforesaid summons and consequential proceedings.

3 Since the issues in all these writ petitions are intertwined, these writ petitions are considered and decided by this common order.

4 The learned counsel for the petitioner bank submits that invoking his power under Section 14(3) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (for brevity "the SARFAESI Act"), notices dated 11 August 2015 have been issued to the petitioner bank and its officers by the Chief Metropolitan Magistrate, Egmore, Chennai, (for brevity "the CMM") in Crl. M.P. No.3249 of 2015 in Crl.M.P. No.4847 of 2014. It is further contended that the CMM has no power under Section 14(3), *ibid*, to issue such notices for the purpose of ensuring compliance of his order.

5 Be that as it may, since the matter has been pending consideration since July 2015 and the petitioner bank had already filed its response/reply, the CMM is directed to dispose of the pending matter on merits and in accordance with law at the earliest, preferably, within a period of four weeks. Liberty is reserved to the petitioners to address the Court on all issues, including the legality of issuance of the notices, if so advised.

The writ petitions stand disposed of with the above direction and observation. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

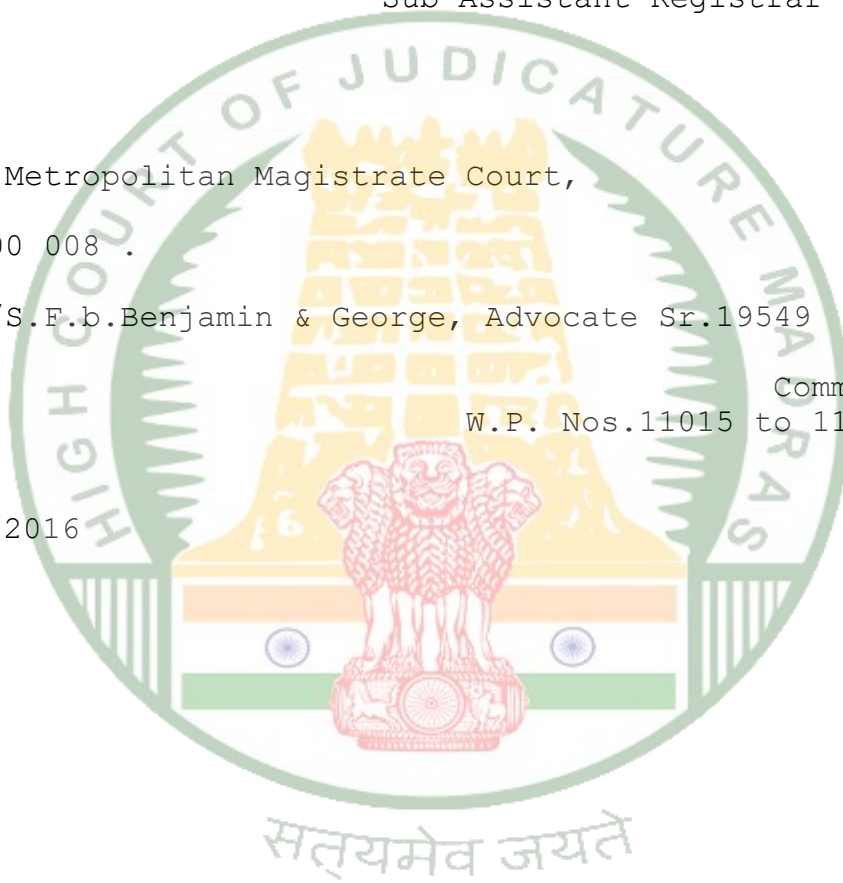
To

The Chief Metropolitan Magistrate Court,
Egmore,
Chennai 600 008 .

+1cc to M/S.F.b.Benjamin & George, Advocate Sr.19549

Common order in
W.P. Nos.11015 to 11020 of 2016

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