

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/12/2016

C O R A M

The Honourable Mr. Justice S. Manikumar  
and  
The Honourable Mr. Justice M. Govindaraj

Writ Petition No. 32226 of 2014

M/s. Annai Builders Real Estates Pvt Ltd  
rep. By its Special Officer  
Alpha Center, 4<sup>th</sup> Floor  
150/151  
North Usman Road  
T. Nagar  
Chennai 600 017.

... Petitioner

Vs

1. Union of India  
rep. By the Secretary to Government  
Ministry of Finance  
Department of Economic Affairs  
(Banking Division)  
North Block  
New Delhi.
2. The Governor  
Reserve Bank of India  
Central Office  
Mumbai.
3. The Authorised Officer  
State Bank of India  
Raja Plaza  
First Floor  
No. 1112 Avinashi Road  
Coimbatore 641 037.

4. N. Ashok

5. N. Balaji.

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Declaration to declare Section 2 (1) (o) of the SARFAESI Act, 2002 and Clause 2.1 of prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances issued by the second respondent as ultra vires the Constitution of India, void abinitio, illegal and unconstitutional and consequently forbear the third respondent Bank from continuing the proceedings initiated under the provisions of SARFAESI Act, 2002 as against the petitioner herein with reference to the subject property more fully set out in the petition schedule.

For petitioner ..... Mr.K.Prabhu  
No appearance.

For Respondent .... No Appearance

O R D E R

(Order of the Court was made by S.Manikumar,J)

This writ petition has been filed praying for the issuance of a writ of Declaration to declare Section 2 (1) (o) of the SARFAESI Act, 2002 and Clause 2.1 of prudential norms on Income Recognition, Asset Classification and Provisioning, pertaining to Advances issued by the second respondent as ultra vires and consequently forbear the third respondent Bank from continuing the proceedings initiated under the provisions of SARFAESI Act, 2002 as against the petitioner herein with reference to the subject property more fully set out in the petition schedule.

2. When the matter came up for hearing on 12/12/2016, there was no representation on behalf of the petitioner. Hence the matter is listed today. Even today, there is no representation on behalf of the petitioner. Therefore, we are constrained to dismiss the writ petition.

3. Accordingly, this writ petition is dismissed for non-prosecution. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar

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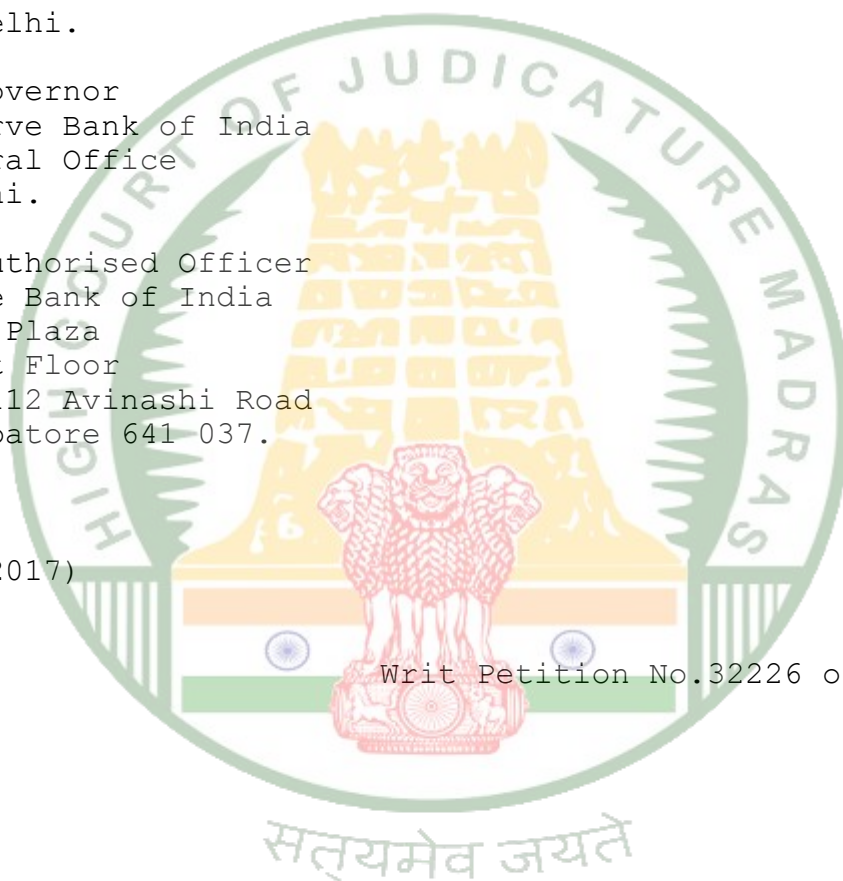
Sub Assistant Registrar

mvs.

To

1. The Secretary to Government  
Union of India  
Ministry of Finance  
Department of Economic Affairs  
(Banking Division)  
North Block  
New Delhi.
2. The Governor  
Reserve Bank of India  
Central Office  
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3. The Authorised Officer  
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pvs (CO)  
md(04/01/2017)



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