

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.15341 of 2014

M/s. Varun Saravanaa Textiles India Pvt Ltd
rep. By its M.D.Mr.M.R.Saravanakumar
8/12 Veerabhadrasamy Kovil Street
Gugai
Salem 636 006. Petitioner

Vs

The Authorised Officer
State Bank of India
SAMB Branch
Chennai.

Now transferred to

SAMB Branch
1112 raja Plaza
Avinashi Road
Coimbatore 641 037. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Prohibition or any other suitable writ be issued to declare the measures taken under SARFAESI and proceedings being conducted under the Recovery of Debts due to Banks and Financial Institutions Act 1993 in Original Application No.177 of 2010 in Debts Recovery Tribunal, Madurai be declared as acts without jurisdiction and to restore the status-quo ante immediately.

For petitioner ... Mr.J.Manojin

For respondent ... Mr.R.Imaya Varamban
for M/s.Ramalingam Associates

O R D E R

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

Writ Petition has been filed, praying for the issuance of a writ of Prohibition or any other suitable writ be issued, to declare the measures taken under SARFAESI and proceedings being conducted under the Recovery of Debts due to Banks and Financial Institutions Act 1993 in Original Application No.177 of 2010 in Debts Recovery Tribunal, Madurai, be declared as acts, without jurisdiction and to restore the status-quo ante immediately.

2. On 12/12/2016, there was no representation. Hence, directed the Registry to post the matter on 14/12/2016 and hence it is listed today.

3. Learned Counsel appearing for the State Bank of India, Coimbatore/respondent herein, submitted that after the filing of instant writ petition, a fresh sale notice was issued, on 14/8/2014, bringing the secured properties for auction. On 22/9/2014, auction has been conducted. Auction purchaser has remitted the sale price. Confirmation action of the auction has been done. Sale certificate has been issued.

4. In the light of the above, learned counsel appearing for the respondent submitted that nothing survives in this writ petition and the petitioner has not made out any case for a writ much less in the nature of writ of prohibition.

5. Though supporting the prayer sought for, writ petitioner has made averments, this Court is not inclined to advert to the same in issuing a writ of prohibition as prayed for, taking note of the submissions of Mr.R.Imayavaramban, learned counsel for the respondent.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

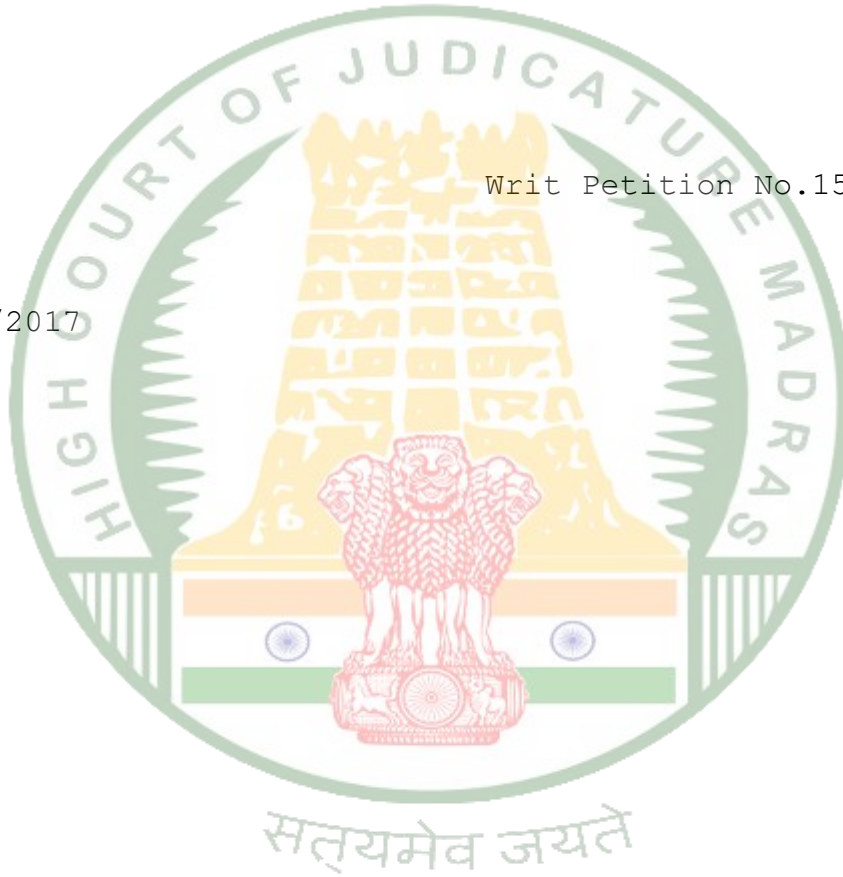
To

The Authorised Officer
State Bank of India
SAMB Branch
1112 raja Plaza
Avinashi Road
Coimbatore 641 037.

+lcc to Mrs.Ramalingam & Associates Sr.73573

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srg 11/01/2017



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