

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.08.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice R.MAHADEVAN

W.P.No.27972 of 2016

T.Ashok Surana

... Petitioner

Versus

1.The Authorised Officer
Bank of India,
Thousand Lights,
406 Lloydss Road,
Gopalapuram, Chennai 600 086.

2.M/s.Rohini Weld Tech
rep. by its Partner
M.Venkatesan
4D/1D, Third Main Road,
Ambattur Industrial Estate,
Chennai 600 058.

3.M/s.Rohini Weld Tech
rep. by its Partner
V.Vijayalakshmi
4D/1D Third Main Road,
Ambattur Industrial Estate,
Chennai 600 058.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration, declaring that the action of the 1st respondent in bringing the properties of the 2nd and 3rd respondents is based on a withdrawn Sec 13 (2) Demand Notice, in violation of the mandatory Rule 9(1) of the Security Interest Enforcement Rules, 2002 and also barred by application of Article 137 of the Limitation Act, the only Article applicable to Special Act.

For Petitioner ::: Mr.T.Ashok Surana
Party-in-person.

O R D E R

(The Order of the Court was made by The Hon'ble
The Chief Justice)

This petition has been filed in-person.

2. The petitioner has given a letter dated 12.02.2016 stating that this matter may not be listed before 17 Judges of this Court, including both the Judges of the present Bench.

3. The rationale appears to be that earlier writ petitions and writ appeals of the petitioner have been dismissed.

4. We find the request unjustified and reject the same.

5. The petitioner seeks to raise the issue about the auction of the properties of the second and third respondents by the first respondent under the Security Interest Enforcement Rules, 2002 read with Article 137 of the Limitation Act. The petitioner is not connected with the transaction. It is the second and third respondents whose properties are sought to be auctioned and only they can make a grievance of the same. This cannot be a matter of Public Interest Litigation.

6. No doubt, the petitioner is habituated in making grievances in respect of actions taken under the said Act qua third parties, because of some action, possibly he has faced himself. In our view, no such Public Interest Litigation is maintainable and if the parties concerned are aggrieved, it is always open to them to challenge the decision accordingly.

7. The writ petition stands dismissed, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

W.P.No.27972 of 2016

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