

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR  
AND  
THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.Nos.1017 & 1018 of 2017  
W.M.P.Nos.996 & 997 of 2017

W.P.No.1017 of 2017  
T.C.Ramadoss

..... Petitioner

vs.

1. The Assistant General Manager  
& Authorised Officer,  
State Bank of India,  
Stressed Assets Management Branch,  
"Red Cross Buildings",  
No.32, Montieth Road, Egmore,  
Chennai - 600 008.

2. The State Bank of India,  
Rep. by its authorised Officer,  
Thiru.S.Muralikumar, having its branch at  
No.32, Montieth Road, Egmore,  
Chennai - 600 008.

3. M/s.Hi.Grade Shoe,  
Rep. by its Managing Director.  
Vellore.

4. M/s.Hi-Design Shoe,  
Rep. by its Managing Director,  
Vellore.

5. Shri.K.S.Sivakumar

6. Shri K.S.Gandhi

7. Smt.S.Kanchana

8. V.Venkatesan

9. Shri V.Shanmugam

10. Shri K.Santhanam

11. Shri K.Santhosh Kumar

12. Shri D.Krishnamoorthy

..... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus, calling for the entire records relating to the impugned E-Auction Sale Notice issued by the 1st respondent vide SAMB/CLO III/MS/1694 dated 23.12.2016 and quash the same as illegal and consequently forbearing the respondents from any way dispossessioning the petitioner from the land measuring 1202.50

sq.ft with two storied residential building measuring 1795 Sq.ft., situated at Door No.2/A, Valliammai Street, Pallikonda, S.F.No.60/1A, Vellore District without the due process of law.

W.P.No.1018 of 2017  
V.Venkatesan

.... Petitioner

vs.

1. The Assistant General Manager  
& Authorised Officer,  
State Bank of India,  
Stressed Assets Management Branch,  
"Red Cross Buildings",  
No.32, Montieth Road, Egmore,  
Chennai - 600 008.

2. The State Bank of India,  
Rep. by its Authorised Officer,  
Thiru.S.Muralikumar, having its branch at  
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5. Shri.K.S.Sivakumar

6. Shri K.S.Gandhi

7. Smt.S.Kanchana

8. Shri V.Shanmugam

9. Shri K.Santhanam

10. Shri K.Santhosh Kumar

11. Shri T.C.Ramados

12. Shri D.Krishnamoorthy

.... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus, calling for the entire records relating to the impugned E-Auction Sale Notice issued by the 1st respondent vide SAMB/CLO III/MS/1694 dated 23.12.2016 and quash the same as illegal and consequently forbearing the respondents from any way dispossessing the petitioner from the land measuring 79280 sq.ft (1.82 acres) with 1306 sq.ft., of residential house situated at Surve No.19/70 and 4844 Sq.ft., building namely Sri Vettri Teacher Training College situated at SF No.170, 169/2A & 2B, Gandhi Road, Anaicut, Vellore without the due process of law.

For Petitioner  
in both W.Ps.

: Mr.S.N.Ravichandran for  
Mr.V.Madhavan

COMMON ORDER

(Order of this Court was made by S.MANIKUMAR, J)

Right of the bank to bring the property for auction without taking actual possession has been upheld by the Hon'ble Supreme Court in TRANSCORE vs. Union of India & Another, reported in 2008 (1) SCC 125.

2. Though Mr.S.N.Ravichandran, learned counsel for the petitioners assailed the correctness of the e-auction notice on the grounds inter alia that there is a collusion between the bank and respondent 2 and 3, statutory period of notice has not been given and on other grounds, subsequently, in unequivocal terms, learned counsel for the petitioners seeks permission to withdraw the writ petitions and he has also made an endorsement to that effect.

3. Placing on record the above submission, writ petitions are dismissed as withdrawn. No leave is granted to file fresh writ petitions on the same cause of action. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

4. Registry is directed to return the original e-auction notice to the writ petitioners after obtaining an attested copy from the learned counsel for the petitioners.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

To

1. The Assistant General Manager  
& Authorised Officer,  
State Bank of India,  
Stressed Assets Management Branch,  
"Red Cross Buildings",  
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2. The State Bank of India,  
Rep. by its Authorised Officer,  
Thiru.S.Muralikumar, having its branch at  
No.32, Montieth Road, Egmore,  
Chennai - 600 008.  
+2 cc's to Mr.v.Madhavan,advocate,sr.3159.  
scd(co)  
krd 12/1

W.P.Nos.1017 & 1018 of 2017

W.M.P.Nos.996 & 997 of 2017