

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.10709 of 2017
and
W.M.P.No.11664 of 2017

Madurai Mavatta Ikkia Panchalai Mattrum
Amaippu Sara Tholilalar Sangam
(Regn.No.1088/MDU)
No.29 Ponnagaram Broadway
2nd Cross St Madurai-625 016
Rep. by its General Secretary R.Murugan.

Petitioner

Versus

- 1 The Assistant General Manager and
Authorised Officer
State Bank of India
Stressed Asset Management Branch
No.1112 Raja Plaza Avinashi Road
Coimbatore-641 037
- 2 The Management
Rukmani Mills Ltd.
Silaiman
Madurai District.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st Respondent bank to pay a sum of Rs.13,14,040/- as on 23.02.2010 plus interest at the rate of 12% p.a. towards the PF dues as per the Orders passed by the Hon'ble High Court (Madurai Bench) in W.P.(MD) Nos.83 and 1177 of 2010 dated 23.02.2010 and to set apart a sum of Rs.11,02,06, 616/- (including interest upto 31.12.2016 @ 12% p.a) plus future interest at the rate of 12% till the date of payment, in a separate account, as directed by the Hon'ble Division Bench of this Court in W.P.No.26075 of 2014 in their order dated 25.09.2014 from out of the sale proceeds of the secured property, sold in e-auction, in pursuance of the e-auction sale notice issued by 1st Respondent bank dated 09.02.2017, or from out of the amount already appropriated by the first respondent

bank, by sale of any other secured asset, movable or immovable, under the SARFAESI Act, 2002 and the rules framed thereunder, and appoint a Commissioner, preferably a retired Judge of the High Court, so as to disburse the amount due to the workmen who are the members of the petitioner union or their legal heirs.

For petitioner : Ms.Vijayakumari Natarajan

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner for some time.

2. It appears that by filing a writ petition in W.P.No.26075 of 2014, an interim order dated 25.9.2014 was obtained by the petitioner against the bank to preserve an amount of Rs.8,88,76,304/- which is towards the dues to all the workmen, who are the members of the petitioner-Association/Union.

3. Such being the case, once again, this writ petition is filed to with the same grounds and to defeat the very purpose of selling the property by contending that the property is sought to be sold for a lower price, etc. When already an order is passed in favour of the petitioner by this court, except to pursue the remedy in furtherance of that, filing a second writ petition cannot be entertained. However, it is made clear that it is open to the petitioner to approach the authority concerned or the forum concerned which shall consider the request of the petitioner in accordance with law.

4. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

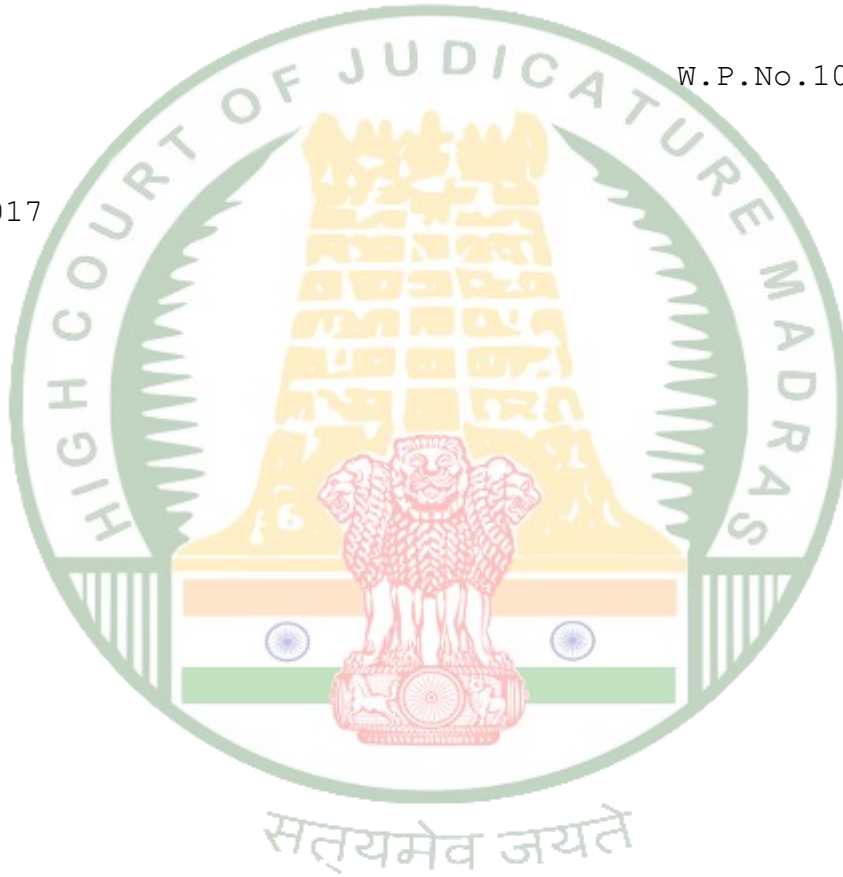
To:

- 1 The Assistant General Manager and
Authorised Officer
State Bank of India
Stressed Asset Management Branch
No.1112 Raja Plaza Avinashi Road
Coimbatore-641 037

+1 cc to M/s.S.Arunachalam Advocate sr 26057

W.P.No.10709 of 2017

gml(co)
aa15/06/2017



WEB COPY