

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.32460 of 2017

and

WMP No.35760 of 2017

M/s.Sri Vakira Kaaliamman Spinning Mills
Pvt. Limited,
RMC Gining Mills,
Rep. by its Shri.R.Jagadeeswaran
Director/Guarantor Petitioner

vs.

1. State Bank of India,
Rep. by its Authorized Officer,
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037

2. Punjab National Bank,
Rep. by its Authorized Officer,
Asset Recovery Management Branch,
No.448-A, Dr.Nanjappa Road,
Coimbatore - 641 018.

3. State Bank of India, सत्यमेव जयते
Rep. by its Authorized Officer
(Formerly State Bank of Hyderabad)
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037.

4. State Bank of India,
Rep. by its Authorized Officer
(Formerly State Bank of Patiala)
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents not to issue any Sales certificate in pursuance of the E-auction proceedings SAMB/CBE/CLO-II/2299 dated held on 8.12.2017 till the disposal of SA No.371 of 2017 on the file of Debts Recovery Tribunal, at Coimbatore.

For Petitioner : Mr.K.Rajendra Prasad

ORDER

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

Auction notice dated 04.11.2017, issued by the bank, fixing the auction on 08.12.2017 has been challenged in S.A.No.371 of 2017 on the file of Debts Recovery Tribunal, Coimbatore. Interim application is stated to have been filed on 05.12.2017 to take up the SARFAESI application urgently, and to pass suitable orders.

2. Contending inter alia that such application had not been taken up for hearing, as the Presiding Officer went on leave, instant writ petition has been filed for a mandamus, directing the respondents not to issue any Sales certificate in pursuance of the E-auction proceedings SAMB/CBE/CLO-II/2299 dated held on 8.12.2017 till the disposal of SA No.371 of 2017 on the file of Debts Recovery Tribunal, at Coimbatore.

3. On this day, when the matter came up for hearing, Mr.K.Rajendra Prasad, learned counsel for the petitioner submitted that on mentioning, today, the Debts Recovery Tribunal, Coimbatore is taking up the interim application and therefore, prayed to adjourn this matter by tomorrow. He further submitted that additional grounds have been raised in the instant writ petition. Submission of the learned counsel is placed on record.

4. S.A.No.317 of 2017 has been filed challenging the notice. Instant writ petition has been filed that the interim application was not taken up for the reason stated supra. As the same is being taken up, prayer directing the respondents not to issue any sale certificate in pursuance of e-auction notice dated 04.11.2017, which culminated in sale on 08.12.2017, till the disposal of S.A.No.371 of 2017, on the file of Debts Recovery Tribunal, Coimbatore, cannot be granted, as there cannot be two parallel proceedings, one, before Debts Recovery Tribunal, Coimbatore and another before this Court, on the same grounds. Further contention of the writ petitioner that some other grounds have been raised in this writ petition and therefore, matter be adjourned also cannot be countenanced. If the petitioner wants to raise any further grounds, the same can

be done in the challenge made in S.A.No.371 of 2017 on the file of Debts Recovery Tribunal, Coimbatore. Mandamus sought for cannot be granted. Hence, instant Writ Petition is dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ars
To

1. The Authorized Officer,
State Bank of India,
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037

2. The Authorized Officer,
Punjab National Bank,
Asset Recovery Management Branch,
No.448-A, Dr.Nanjappa Road,
Coimbatore - 641 018.

3. The Authorized Officer,
State Bank of India,
(Formerly State Bank of Hyderabad)
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037.

4. The Authorized Officer,
State Bank of India,
(Formerly State Bank of Patiala)
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037.

+1cc to Mr.K.RAJENDRAPRASAD, Advocate, S.R.No. 89317
+1cc to Mr.S.SETHURAMAN, Advocate, S.R.No. 88843

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and WMP No.35760 of 2017

TR(08/01/2018)