

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

C O R A M

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.15698 to 15700 of 2017 &
WMP.Nos.16990 to 16992 of 2017

M/s.Kannaiaya Timber Tech,
Represented by its Managing Partner,
Dayalal K.Patel,
119/3B Pudukkottai Road,
Gundur,
Trichy - 620 007.

... Petitioner in
W.P.No.15698/17

M/s.Kannaiaya Saw Mill,
Represented by its Proprietor,
Dayalal K.Patel,
119/3B Pudukkottai Road,
Gundur,
Trichy - 620 007.

... Petitioner in
W.P.No.15699/17

M/s.Kaesav Saw Mill,
Represented by its Managing Partner,
Jagadesh D.Patel,
122/3, Chennai Bye Pass Road,
Ariyamangalam,
Trichy - 620 010.

.. Petitioner in
W.P.No.15700/17

सत्यमेव जयते
Vs.

1.The Authorised Officer,
State Bank of India,
Stressed Assets Branch,
Raja Plaza 1st Floor,
No.112, Avanashi Road,
Coimbatore - 641 037.

2.The Deputy General Manager,
State Bank of India,
Stressed Assets Branch,
Raja Plaza 1st Floor,
No.112, Avanashi Road,
Coimbatore - 641 037.

.. Respondents in all
W.Ps

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution, to issue a writ of certiorarified Mandamus calling for the records of the first respondent with respect to the sale notice dated 08.05.2017 and quash the same as unfair and illegal and consequently direct the second respondent to consider the OTS made by the petitioner by granting sufficient time for compliance of the condition.

For petitioner
in all W.Ps - M/s.Ananda Gomathy

For Respondent
in all W.Ps - Ms.S.R.Sumathy

COMMON ORDER

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

Seeking to quash the sale notice dated 08.05.2017 and to direct the second respondent to consider the OTS made by the petitioners by granting sufficient time for compliance of the condition, the petitioners are before this Court with these writ petitions.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3.It appears that more than Rs.10 crore amount is due on the part of the petitioners. Further, what is under challenge is a sale notice dated 08.05.2017. Since, there is an alternative remedy available for the petitioners either to approach the respondent Bank or the Debts Recovery Tribunal, the petitioners have straight away come to this Court by operating the modus operandi and to avoid the auction sale which cannot be allowed by this Court.

4.In view of the above, the petitioner is at liberty either to approach the respondent Bank or the Debts Recovery Tribunal, if they are so advised for appropriate relief.

With the above observation, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Authorised Officer,
State Bank of India,
Stressed Assets Branch,
Raja Plaza 1st Floor,
No.112, Avanashi Road,
Coimbatore - 641 037.

2.The Deputy General Manager,
State Bank of India,
Stressed Assets Branch,
Raja Plaza 1st Floor,
No.112, Avanashi Road,
Coimbatore - 641 037.

+1 cc to M/s.Ananda Gomathy Advocate sr 43856

+1 cc to M/s.S.R.Sumathy Advocate sr 43884

W.P.Nos.15698 to 15700 of 2017

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