



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

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CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P. [MD].No.22022 of 2015

and

MP(MD)No.1 of 2015

K.Rajendran

: Petitioner

Vs.

State Bank of India,
Represented by its Authorised Officer,
Tallakulam,
Madurai - 2.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus in connection with the impugned SARFAESI Notice issued by the respondent in his Proceedings No. Nil dated 23.09.2015 and consequential impugned Possession Notice issued in his Proceedings No. Nil dated 27.11.2015 and quash both as illegal and arbitrary and consequently direct the respondent not to take any coercive step till the disposal of the dispute raised in I.D.No. 7/30/2015-R/M pending on the file of the learned Assistant Labour Commissioner (Central), Madurai.

For Petitioner

: Mr.G.Thalaimutharasu

For Respondent

: Mr.S.Sethuraman,
Standing Counsel.

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard the Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.S.Sethuraman, learned Standing Counsel for the respondent.

2. The petitioner has filed this Writ petition challenging the notice issued by the respondent/bank under Section 13(2) of the SARFAESI Act on certain grounds in particular that he raised a dispute challenging the order of dismissal passed by the respondent Bank, while he was working as Assistant in one of the



branches of the respondent Bank. The said dispute was taken on file as I.D.No.7/30/2015-R/M before the Central Government Industrial Tribunal and till the dispute is concluded, the possession notice issued under the SARFAESI Act should not be enforced.

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3. When the Writ petition came up for admission on 09.12.2015, notice of motion was ordered to the respondent. Though no interim order was granted, it appears that the respondent Bank did not proceed further pursuant to the impugned notice. As per the impugned notice, the petitioner had to pay the money as demanded on or before 27.11.2015, failing which, the respondent Bank stated that they will proceed further in the matter. Thus, as on date, the said date has lapsed. Be that as it may, the learned counsel for the petitioner would state that in the industrial dispute argument is concluded and the industrial Tribunal had reserved Judgment at any time, the Tribunal would pass the award. Taking into consideration the facts and circumstances of the case, the respondent Bank is directed to defer further proceedings under the provisions of SARFAESI Act as against the petitioner, till the award is passed by the Industrial Tribunal. Subject to the outcome of the said proceedings, it is open to the respondent Bank to proceed in accordance with law.

4. With the above direction the Writ petitioner disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.S.SETHURAMAN, Advocate, SR No. 60853.

MYR/VSA

PSM/KKR/SAR3/29.06.2017/2P/2C

**ORDER MADE IN
W.P. [MD].No.22022 of 2015
and
MP (MD) No.1 of 2015
19.06.2017**