



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

CORAM:

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

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN****W.P. [MD].No.10712 of 2017**

and

W.M.P (MD) .No.8169 of 2017

A.Nirmala : Petitioner

Vs.

The Authorized Officer,
State Bank of India,
Irenipuram Branch,
P.B.No.1, No.1/25-A,
Irenipuram (PO),
Kanyakumari District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in pertaining the respondent to published e-auction notice in the Daily News Paper Dinamlar dated 30.04.2017 and e-auction notice published in the Dinamalar News Paper dated 12.05.2017 related in the property in Resurvey No.210/2A, at Vasantham Illam, Anthony Nagar Elavuvilai, Nattalam Village, Vilavancode Taluk, Kanyakumari District, building and land of extent 56.3 cents and quash the same.

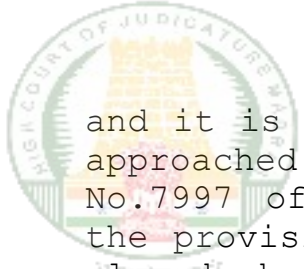
For Petitioner : Mr.P.Muthusamy
For Respondent : Mr.Palaramasamy
Standing Counsel

O R D E R

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

Heard Mr.P.Muthusamy, learned counsel for the petitioner and Mr.Palaramasamy, learned Standing Counsel for the respondent.

2. The petitioner, who is a co-obligator to the educational loan availed by her son, who is now working in the Tamil Nadu Medical Services, is before this Court with this Writ Petition, challenging the e-auction notification issued by the respondent bank, bringing the property for sale for recovery of the educational loan availed by her son. The contention of the petitioner is that she has nothing to do with the loan transaction



and it is his son, who has availed the loan. However, the son had approached this Court, on an earlier occasion, and filed W.P.(MD). No.7997 of 2016, challenging the possession notice issued under the provisions of SARFAESI Act. A copy of the affidavit has been placed before us by the learned Standing Counsel for the respondent bank, from which we are able to see that the present petitioner, the mother of Dr.G.Branesh, is a co-obligator to the educational loan and she has offered the subject property as security for the said loan. Though the said Writ Petition was disposed of with conditional order, it is reported that the said conditional order has not been complied with. Apart from the above, the petitioner had also filed yet another Writ Petition in W.P.(MD).No.18941 of 2016 seeking to return the sale deed. However, no interim order has been granted in the said Writ Petition and the same is still pending. While so, the present Writ Petition has been filed challenging the e-auction notice. Thus, the petitioner being a co-obligator to the loan transaction is equally liable as that of the borrower. Thus, no ground is made to grant the relief sought for by the petitioner. Hence, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.PALA RAMASAMY, Advocate, SR No. 59274.

NB

PSM/MR/SAR2/16.06.2017/2P/2C

**ORDER MADE IN
W.P. [MD] .No.10712 of 2017
and
W.M.P (MD) .No.8169 of 2017
08.06.2017**