



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.[MD].No.11090 of 2017  
and  
W.M.P(MD).Nos.8502 to 8504 of 2017

Dr.G.Branesh : Petitioner

Vs.

- 1.The Secretary to Government,  
Union of India, Minister of Human Resources Development,  
Department of Higher Education,  
New Delhi.
  - 2.The Governor,  
Reserve Bank of India, Chennai.
  - 3.The Authorized Officer,  
State Bank of India, Irenipuram Branch,  
P.B.No.1, No.1/25-A, Irenipuram (PO),  
Kanyakumari District.
  - 4.The Branch Manager,  
State Bank of India,  
Irenipuram Branch,  
P.B.No.1, No.1/25-A, Irenipuram (PO),  
Kanyakumari District.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records, pursuant to the auction notice dated 12.05.2017 under Rule 13(1)(iv) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, published in the Dinamalar News Paper dated 12.05.2017, by the third respondent, related to the Re-survey No.210/2A, extent of 56.3 cents, Vasantham Illam, Anthony Nagar, Elavuvilai, Vilavancode Taluk, Kanyakumari District, building and land and to quash the same and consequently directing the third respondent to consider the representation dated 08.06.2017 to allow to complete the educational loan.



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For Petitioner : Mr.P.Muthusamy  
For Respondents 1&2 : MrC.Nandagopal  
Central Government Standing Counsel  
For Respondent No.4 : Mr.Pala ramasamy  
Standing Counsel

O R D E R  
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[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner, who has availed educational loan, is before this Court challenging the e-auction notification issued by the third respondent bank, bringing the property for sale for recovery of the educational loan availed by him.

2. Earlier, the mother of the petitioner had filed W.P.(MD). No.18941 of 2016 and no interim order has been granted in the said Writ Petition and the same is still pending. Subsequently, another Writ Petition was filed by the mother of the petitioner in W.P.(MD).No.10712 of 2017, raising very same contentions, as raised by her son in the present Writ Petition and the said Writ Petition was dismissed by this Court on 08.06.2017. Much earlier, the Writ Petitioner herein had approached this Court and filed W.P.(MD). No.7997 of 2016, challenging the possession notice issued under the provisions of the SARFAESI Act, which was closed, on 19.12.2016. Thus, it is a clear case of re-litigation, which cannot be entertained by this Court. Therefore, this Writ Petition is dismissed, leaving it open to the petitioner to approach the respondent bank and submit a proposal for settlement of the dues, which shall be considered by the respondent bank in accordance with the guidelines. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,  
Union of India, Minister of Human Resources Development,  
Department of Higher Education, New Delhi.
  - 2.The Governor, Reserve Bank of India, Chennai.
- +One cc to Mr.C.Nandagopal, Advocate, SR.No.60327  
+One cc to Mr.P.Muthusamy, Advocate, SR.No.60404

NB