



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.6239 of 2017
and
W.M.P. (MD) No.4927 of 2017

A.M.Gunasekaran

... Petitioner

-vs-

1.The Authorized Officer /
The Chief Manager
State Bank of India
Cumbum AD Branch
Theni District

2.The District Collector
Theni District, Theni

3.The Special Tahsildar (Stamps)
Madurai Collector Office, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to remove the seal put by them in the petitioner's house bearing Door No.119/W3, Survey No.2214/20, situates in Kullappagoundanpatty, Uthamapalayam Taluk, Theni District, within a time stipulated.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.H.Arumugam for R1
Mr.S.Chandrasekar
Govt. Advocate for R2 & R3

O R D E R

(Order of the Court by **T.S.SIVAGNANAM, J.,**)

Heard Mr.P.Gunasekaran, learned counsel appearing for the petitioner, Mr.H.Arumugam, learned counsel appearing for the first respondent, and Mr.S.Chandrasekar, learned Government Advocate appearing for the respondents 2 and 3 and carefully perused the materials placed on record.



2. This writ petition has been filed by a borrower, who availed loan from the first respondent Bank and defaulted in repayment.

3. The respondent Bank initiated proceedings under SARFAESI Act, issued notice under Section 13(2) on 07.03.2014, followed a notice under Section 13(4), dated 06.06.2014. It appears that the petitioner has not challenged any of those proceedings. Thereafter, the respondent Bank filed a petition before the District Magistrate under Section 14 of the SARFAESI Act and sealed the petitioner's premises. As on date, the petitioner is to pay a sum of Rs.29,92,429/-.

4. In the light of the above facts, the prayer sought for by the writ petitioner to remove the seal put by the respondent Bank cannot be acceded to and hence, the writ petition is liable to be dismissed.

5. In the result, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

1.The Authorized Officer /
The Chief Manager
State Bank of India
Cumbum AD Branch
Theni District

2.The District Collector,
Theni District, Theni.

3.The Special Tahsildar (Stamps),
Madurai Collector Office, Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate, SR No. 51367

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 51505

KRK/SKM

PSM/MR/SAR3/21.04.2017/2P/6C

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and

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