

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.13416 of 2018
and WMP No.15813 of 2018

R.Gopal

... Petitioner

vs.

1. The Federal Bank Limited,
Rep. by its Branch Manager,
Salem Branch,
No.20, Ramakrishna Road,
Salem - 636 007.

2. The Authorized Officer,
The Federal Bank Limited,
Salem Branch,
No.20, Ramakrishna Road,
Salem - 636 007.

3. The District Collector,
Namakkal District,
District Collectorate,
Tiruchengode Road,
Namakkal.

4. Superintendent of Police,
Namakkal District,
Namakkal.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of declaration, declaring that agricultural properties having total extent of 1.93 Acres comprised in Survey Nos.42/5 and 42/6B situated in Reddypatti Revenue Village, Sendhamangalam Taluk in Namakkal District standing in the petitioners name are exempted from the purview of SARFAESI Act, as per Section 31(1) of the said Act.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.M.Sricharan Rangarajan
Additional Government Pleader

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Petitioner, who has mortgaged the properties as collateral security has sought for a writ of declaration, declaring that the agricultural properties having total extent of 1.93 Acres comprised in Survey Nos.42/5 and 42/6B situated in Reddypatti Revenue Village, Sendhamangalam Taluk in Namakkal District, standing in the name of the petitioner, as exempted from the purview of SARFAESI Act, 2002 as per Section 31(1) of the said Act.

2. Material on record discloses that earlier, the District Collector Cum District Magistrate, Namakkal District, has passed an order under Section 14 of the SARFAESI Act, 2002 authorising the Revenue Divisional Officer, Namakkal, to take possession of the property mentioned in the schedule with police protection, if required, and handover the same to the Authorised Officer M/s.Fedral Bank Limited, Salem, under proper acknowledgment.

3. Said order has been challenged by one Mr.Gopal, Partner of M/s.M.R Motor Company, Namakkal in S.A.No.8 of 2017, on the file of the Debts Recovery Tribunal, Madurai and one of the grounds of challenge is that District Magistrate ought to have seen that the property of the applicant therein, is an agricultural land and exempted from the purview of SARFAESI Act, 2002, which the respondent bank is alleged to have suppressed in their application filed under Section 14 of the Act. Issue is pending before the tribunal. Hence, prayer in the writ petition cannot be granted. It is open to the petitioner to work out his remedy, in the manner known to law. Writ Petition is dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Branch Manager,
Federal Bank Limited,
Salem Branch, No.20, Ramakrishna Road,
Salem - 636 007.

2. The Authorized Officer,
Federal Bank Limited,
Salem Branch, No.20, Ramakrishna Road,
Salem - 636 007.

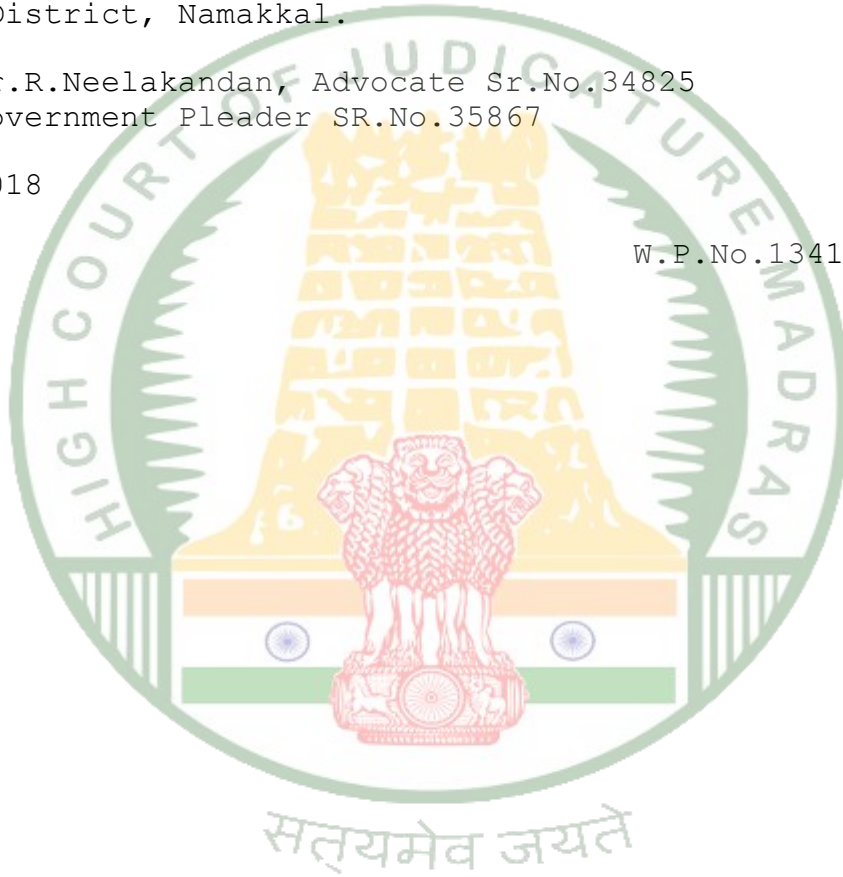
3. The District Collector,
Namakkal District,
District Collectorate,
Tiruchengode Road, Namakkal.

4. Superintendent of Police,
Namakkal District, Namakkal.

+1cc to Mr.R.Neelakandan, Advocate Sr.No.34825
+1cc to Government Pleader SR.No.35867

sm:18.6.2018

W.P.No.13416 of 2018



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