



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

And

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.16813 of 2018

and

WMP(MD)No14865 of 2018

Smt.S.Michael Sarojini Bai

... Petitioner

vs.

1.The Authorised Officer,
The State Bank of India,
Stressed Assets Recovery Branch
Red Cross Building, II Floor
No.32, Montieth Road,
Egmore, Chennai 600 008.

2.M/s.C1 India Private Ltd.,
Approved Service Provider of
The State Bank of India
Stressed Assets Recovery Branch
Red Cross Building, II Floor
No.32, Montieth Road,
Egmore, Chennai 600 008.

3.The Branch Manager,
The State Bank of India
SME Branch, Ambattur (Code No.14376)
Ambattur Industrial Estate
86-A & B, II Main Raod,
Chennai 600 058, India.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for entire SARFAESI proceedings including impugned e-tender auction sale notice issued by the first respondent in ref.SARB/SKR/254, dated 27.06.2018 fixing the auction sale on 08.08.2018 in so far as the petitioner's property concerned, quash the same and consequently direct the respondents herein to extend the benefit of rehabilitation, restructure the re-payment schedule of loan installments of petitioner.

For Petitioner

: Mr.M.Vallinayagam
Senior Counsel
for Mr.K.Appadurai

For Respondent No.1

: Mr.S.Sethuraman

**ORDER****(Order of the Court was made by T.RAJA, J.)**

This writ petition is directed against the impugned E-tender auction sale notice issued by the first respondent, the authorised officer, State Bank of India, Stressed Assets Recovery Branch, Red Cross Building, II Floor, No.32, Montieth Road, Egmore, Chennai 600 008, in ref.SARB/SKR/254, dated 27.06.2018 fixing the auction sale on 08.08.2018 in so far as the petitioner's property concerned, quash the same and consequently direct the respondents herein to extend the benefit of rehabilitation, restructure the re-payment schedule of loan installments of petitioner.

2.When the matter was taken up, the learned counsel appearing for the authorised officer/first respondent fairly submitted that the impugned proceeding is related to the property situated at Dindigul, but the respondents have not received any Earnest Money Deposit from any bidders, till 4.00 p.m. on 06.08.2018. Therefore, the question of bringing the property for e-auction, is ruled out.

3.In view of the statement made by the learned counsel appearing for the first respondent, the prayer sought for in the writ petition has become infructuous. Accordingly, recording such statement, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Authorised Officer,
The State Bank of India,
Stressed Assets Recovery Branch
Red Cross Building, II Floor
No.32, Montieth Road,
Egmore, Chennai 600 008.

2.M/s.C1 India Private Ltd.,
Approved Service Provider of
The State Bank of India
Stressed Assets Recovery Branch
Red Cross Building,
II Floor No.32,
Montieth Road,
Egmore, Chennai 600 008.



3.The Branch Manager,
The State Bank of India
SME Branch, Ambattur (Code No.14376)
Ambattur Industrial Estate
86-A & B, II Main Road,
Chennai 600 058, India.

+1CC to Mr.K.Appadurai, Advocate, SR.No. 77862
+1CC to Mr.S.Sethuraman, Advocate, SR.No.77668

Order made in
W.P (MD) No.16813 of 2018
07.08.2018

RJ2
ES/SKN/RSK/SAR 4/03.09.2018/3P/6C