

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

+ Writ Petition No.40232 of 2018

% Date: 08-11-2018

- # 1. Sree Ranganatha Silk Handlooms (Gaddam) Pvt. Ltd.,
Door No.10/2-5, Behind Chakravarthy Theatre,
Dharmavaram-515 671, Rep. by its Director
Gaddam Sainath S/o Late Ranganayakulu
2. M/s. GSR Silk Handlooms, Door No.10/2-5,
Behind Chakravarthy Theatre, Dharmavaram-515 671,
Rep. by its Partner Gaddam Sainath
S/o Late Ranganayakulu
3. Gaddam G Manjula W/o Sainath, D.No.11-693,
Thogata Street, Dharmavaram-515 671
4. Gaddam Sainath S/o Late Ranganayakulu,
D.No.11-693, Thogata Street, Dharmavaram-515 671
... Petitioners

Vs.

- \$ 1. The City Union Bank Ltd.,
Rep. by its Chairman & Managing Director,
Off: 149, T.S.R. Big Street, Kumbakonam-612 001
2. The City Union Bank Ltd., Rep. by its Branch Manager,
Dharmavaram, Ananthapur District
... Respondents

! Counsel for Petitioners: Mr. K.Purushotham

Counsel for Respondents: ---

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.40232 of 2018

Order: (per V.Ramasubramanian, J.)

The petitioners have come up with the above writ petition, challenging the paper publication made by the Authorised Officer, on 13-10-2018, putting to sale the secured assets of the first petitioner/Company.

2. Heard Mr. K.Purushotham, learned counsel for the petitioners.

3. The impugned auction notice is dated 13-10-2018 fixing the auction on 09-11-2018. The petitioners have chosen to come at the last minute.

4. It appears that immediately after a demand notice under Section 13(2) of the Securitisation Act, 2002, was issued, the petitioners came up with a writ petition in W.P. No.25580 of 2017. The said writ petition was disposed of by an order dated 07-8-2017, directing the Authorised Officer to pass a reasoned order on the representation of the petitioner, in terms of Section 13(3A) of the Act.

5. Thereafter, the Authorised Officer of the Bank appears to have passed an order and issued possession notice dated 31-8-2017 under Section 13(4). Challenging the possession notice under Section 13(4), the petitioners filed an appeal under Section 17 in S.A.No.1364 of 2017. They sought stay of further proceedings in I.A.No.2420 of 2017.

Stay was granted by the Tribunal on a condition. The conditional order of the Tribunal was only partly complied with. Therefore, the stay got vacated forcing the Bank to issue auction notice.

6. Parallely, the Bank has gone before the Chief Judicial Magistrate's Court under Section 14 and obtained an order on 21-8-2018.

7. It is at that stage that the petitioners have come up with the above writ petition challenging the auction notice.

8. Once the petitioners have approached the Tribunal by way of an appeal under Section 17 and suffered a conditional order of stay, which was not fully complied with, resulting in the Bank proceeding to auction the property, it is not possible for the petitioners to approach a different forum and challenge the auction notice. It is before the very same Tribunal that the petitioners should work out their remedies.

9. With the above liberty, the writ petition is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

08th November, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.40232 of 2018
(per VRS, J.)



08th November, 2018.
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