

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.31236 of 2004 and
W.M.P.Nos. 37853 & 37854 of 2004

M/s. Indira Fruit Products,
Rep. By its Managing Partner,
Mr.V.S.Kailasam,
Thambichettypatti Village,
Setrapatty, Harur Taluk,
Dharmapuri District.

.. Petitioner

v.

1 State Bank of India,
Dharmapuri Branch,
No.1, Bye-pass Road,
Dharmapuri - 636 701
Rep. By its Chief Manager

2 M/s. Reyvish Associates, Madurai
C/o. State Bank of India,
No.1, Bye-pass Road,
Dharmapuri - 636 701

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the first respondent herein in the notices dated 28.07.2004, 08.10.2004 and 13.10.2004 relating to M/s. Indira Fruit Products at Thambichettypatti Vilalge, Setrapatty, Harur Taluk, Dharmapuri-635 305, quash the same and direct the respondents herein to forthwith deliver possession of the said Unit to the petitioner.

For Petitioner : Mrs. AL. Gandhimathi

For Respondents : Mr. Rajnish Pathiyil - for R1

No Appearance - for R2

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in the notices dated 28.07.2004, 08.10.2004 and 13.10.2004 relating to M/s. Indira Fruit Products at Thambichettypatti Vilalge, Setrapatty, Harur Taluk, Dharmapuri-635 305, to quash the same and direct the respondents to forthwith deliver possession of the said Unit to the petitioner.

2. Since the petitioner has not been initiated any proceedings under the SARFAESI Act by the 1st respondent, the impugned notices cannot be set aside. The petitioner can challenge the proceedings only after the issuance of section 13(4) notice.

3. In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj
To

1 State Bank of India,
Dharmapuri Branch,
No.1, Bye-pass Road,
Dharmapuri - 636 701
Rep. By its Chief Manager

2 M/s. Reyvish Associates, Madurai
C/o. State Bank of India,
No.1, Bye-pass Road, Dharmapuri - 636 701
+1cc to Mr.AL.Gandhimathi , Advocate SR.No. 76323
+1cc to Mr.Rajnish Pathiyil , Advocate SR.No. 76336

W.P. No.31236 of 2004 and
W.M.P.Nos. 37853 & 37854 of 2004

A.SK(30/09/2019)