

In the High Court of Judicature at Madras

Dated : 26.3.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.1004 of 2019 & CMP.No.7547 of 2019

M/s.K.R.Corporation, rep.by
its Partner Smt.G.Manimala

...Appellant

Vs

State Bank of India, rep.by its
Branch Manager, SME, P.N.Road
Branch (12512), No.54, I Floor,
Uthukuli Road, Tirupur-641601.

...Respondent

APPEAL under Clause 15 of the Letters Patent against the order of this court dated 21.3.2019 passed in W.M.P.No.8982 of 2019 in W.P.No.8453 of 2019 filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorari

(i) calling for the records of the Respondent relating to the E.Auction Sale Notice for Cotton dated 13/03/2019 quash the same (in W.P.No.8453/2009) and

(ii) to stay the impugned E.Auction Sale Notice for Cotton dated 13/03/2019 issued by the Respondent (in WMP No.8982/2019) pending disposal of the above W.P.No.8453/2019 respectively.

For Appellant : Mr.R.Murali

For Respondent : Ms.S.R.Sumathy

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.R.Murali, learned counsel for the appellant and Ms.S.R.Sumathy, learned Standing Counsel accepting notice for the respondent.

2. This appeal is directed against the order dated 21.3.2019 in WMP. No.8982 of 2019 in W.P.No.8453 of 2019.

3. Firstly, this appeal is not maintainable since the order impugned is an interim order in the writ petition. Secondly, the appellant cannot maintain this appeal challenging a conditional order passed by the learned Single Judge while exercising his discretion. Above all, the writ petition itself is not maintainable as against the respondent bank, as the dispute raised by the appellant - writ petitioner before the Writ Court is purely a commercial dispute and in private law field. Hence, the appellant could not have approached the Writ Court for any relief merely because the auction is conducted by the respondent, which is a nationalized bank.

4. For the above reasons, the writ appeal is dismissed. It is well open to the respondent to proceed with the e-auction as scheduled. No costs. Consequently, the connected CMP is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Branch Manager,
State Bank of India,
SME, P.N.Road Branch (12512),
No.54, I Floor, Uthukuli Road,
Tirupur-641601.

+1 cc to Mr.R.Murali, Advocate, S.R.No.28989

WA.No.1004 of 2019&
CMP.No.7547 of 2019

EV(CO)
SSM(29/04/2019).

सत्यमेव जयते

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