



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.07.2019

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THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.21258 of 2019

R.Sekar

.. Petitioner

Vs

- 1.The Regional Director,
Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Salai,
Chennai - 600 001.
- 2.The Regional Manager,
Indian Overseas Bank,
Regional Office,
12/1, APT Road, IOB Towers,
Erode-638 003.
- 3.The Branch Manager,
Indian Overseas Bank,
Chennimalai Branch,
Erode District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records in respect of the impugned E-Auction sale notice issued under SARFAESI Act, 2002, dated 01.07.2019 by the 2nd respondent, quash the same by consequently directing the 2nd and 3rd respondents to offer reasonable opportunity to the petitioner in respect of repaying the agricultural loan in Ac.No.26703351300001 maintained with the 3rd respondent as per the Supreme Court Guidelines, Government Orders and RBI Guidelines in respect of recovery of default agricultural loans from the small farmers in case of crop failure due to severe draught due



For Petitioner : Mr.T.M.Karthikeyan

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

5. The Supreme Court repeatedly held that the aggrieved party should file appeal before the Debts Recovery Tribunal under Section 17 of the Act challenging the SARFAESI proceedings and the writ petition filed circumventing such procedure should not be entertained.



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6. In view of the dictum laid down by the Supreme Court, we are not inclined to interfere with the impugned E-Auction sale notice. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to challenge the impugned E-Auction sale notice dated 01.07.2019 before the Debts Recovery Tribunal in accordance with law. On such appeal being filed, the Debts Recovery Tribunal shall consider the same on merits and in accordance with law. No costs. Consequently, W.M.P.No.20469 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To,

- 1.The Regional Director,
Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Salai,
Chennai - 600 001.
- 2.The Regional Manager,
Indian Overseas Bank,
Regional Office,
12/1, APT Road, IOB Towers,
Erode-638 003.
- 3.The Branch Manager,
Indian Overseas Bank,
Chennimalai Branch,
Erode District.

W.P.No.21258 of 2019

A.SK(14/08/2019)

A.SK(05/09/2019)