



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.12603 of 2019

and

W.M.P. (MD) .Nos.9369 and 9370 of 2019

M/s. Sabar Tex,
represented by its Proprietor,
A.Amarnath.

... Petitioner

Vs.

1. Andhra Bank
through its Senior Manager,
having office at 221,
South Masi Street,
Madurai 625 001.

2. Pridhvi Asset Reconstruction and Securitization Company Limited,
represented by its Authorised Officer & Vice President,
D.No.1-55, Raja Praasadamu,
4th Floor, Wing-1,
Masjid Banda Road,
Kondapur, Hyderabad 84,
Telangana.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned Tender - cum - E-Auction Sale Notice, dated 04.05.2019 issued by the second respondent published in Dinamani News Paper, dated 12.05.2019 and quash the same.

For Petitioner : Mr.D.Sadiq Raja

ORDER

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

The petitioner questions the impugned Auction Notification issued by the second respondent.

2. The primary contention urged by the petitioner counsel is that the goods which is sought to be brought to auction is exempted from the operation of SARFAESI Act in view of Section 31.



3. According to him, the land in question is an agricultural land. It is further pointed out that when the Bank sought to attach the property, the District Collector specifically rejected the application filed by the Bank under Section 14 of the Act.

4. Though the submissions made are sound and attractive, we are of the view that the proper forum to be approached is only the Debt Recovery Tribunal and not the writ Court. Therefore, giving liberty to the petitioner to move the Debt Recovery Tribunal and leave all the contentions open, the writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.side)/
Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS)

akv

To

Andhra Bank
through its Senior Manager,
having office at 221,
South Masi Street,
Madurai 625 001.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-66294[F] dated 29/05/2019)

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ES/04.06.2019/2P/3C