



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

**W.P. (MD) .No.23738 of 2019
and
WMP (MD) No.20327 of 2019**

V.Saravanan
Proprietor,
Universal Constructions
S/o.Velayutham
No.19A, Telegraph Office Road,
Tuticorin -2

... Petitioner

Vs.

1.The General Manager,
Reserve Bank of India and Banking Ombudsman
C/o.Reserve Bank of India,
Fort Glacis,
Chennai - 600 001.

2.The Authorized Officer,
State Bank of India,
Tuticorin Bazaar Branch,
St.patrick Complex,
25, West Car Street,
Tuticorin- 2.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned E.Auction Sale Notice vide proceedings No.Nil, dated 16.10.2019, for the alleged outstanding sum of Rs.33,85,819/-, as on 04.10.2019, issued by the 2nd respondent Bank and quash the same as illegal and consequently direct the 1st respondent to consider the petitioner's Complaint No.201920006005191 and enquire the same.



For Petitioner
For Respondents

: Mr.D.Saravanan
: Mr.Sethuraman

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

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Heard Mr.D.Saravanan, the learned counsel appearing for the petitioner and Mr.Sethuraman, learned Standing Counsel for the respondents.

2. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to quash the impugned E.Auction Sale Notice, vide proceedings No.Nil, dated 16.10.2019, for the alleged outstanding sum of Rs.33,85,819/-, as on 04.10.2019, issued by the 2nd respondent Bank, as illegal and for the consequential relief, directing the 1st respondent to consider the petitioner's Complaint.

3. In the light of the fact that the entire loan payable to the Bank has been settled by the petitioner and the Bank has also issued a 'No Due certificate', dated 22.11.2019, the Writ Petition stands disposed of by observing that the respondent Bank cannot initiate any action against the petitioner, as the loan amount has been fully settled. The respondent Bank is directed to return the original documents, which have been submitted to the Bank for creating the mortgage, which is now filed in O.A.300 of 2013, before the Debts Recovery Tribunal, Madurai. The respondent Bank is also directed to file an application before the Debts Recovery Tribunal, Madurai, within a period of one week from the date of receipt of a copy of this order, obtain orders from the Tribunal and get the original documents and return the same to the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

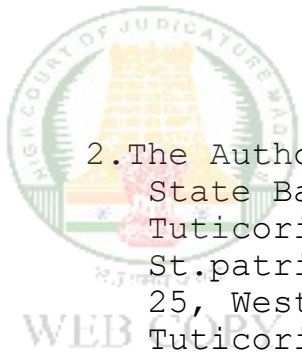
/TRUE COPY/

Sub Assistant Registrar

To

1.The General Manager,
Reserve Bank of India and Banking Ombudsman
C/o.Reserve Bank of India,
Fort Glacis,
Chennai - 600 001.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Authorized Officer,
State Bank of India,
Tuticorin Bazaar Branch,
St.patrick Complex,
25, West Car Street,
Tuticorin- 2.

+1 CC to M/s.S.SETHURAMAN, Advocate (SR-101775[F] dated
27/11/2019)

+1 CC to M/s.D. SARAIVANAN, Advocate (SR-101867[F] dated
27/11/2019)

**W.P. (MD) .No.23738 of 2019
27.11.2019**

mpk

JM/28.11.2019/3P/5C