



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.23952 of 2019

and

W.M.P.[MD]No.20562 & 20564 of 2019

V.K.Sikkander Basha

: Petitioner

Vs.

1.The Indian Bank,
Rep. by its Authorized Officer,
Bodinayakanur Branch,
Theni,
Theni District.

2.The Chief Manager,
Indian Bank,
Bodinayakanur Branch,
Theni,
Theni District.

3.The Branch Manager,
Indian Bank,
Bodinayakanur Branch,
Theni,
Theni District.

4.Vairavan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Declaration, to declare the sale conducted pursuant to the Sale Notification of the first respondent bank dated 15.06.2019 which is situated in Survey No.147/1A & 147/2A in Door No.3/1-W-29 Old Ward No.1, New Ward No.29, Sundarapandian Street, Bodinayakanur Municipality, Theni District to be illegal.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents 1&2 : Mr.B.Rajesh Saravanan



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.C.Venkatesh Kumar, learned Counsel appearing on behalf of the petitioner and Mr.B.Rajesh Saravanan, learned Counsel appearing on behalf of respondents 1 and 2.

3.The petitioner, by way of this writ petition seeks for a declaration to declare the sale conducted pursuant to the Sale Notification of the first respondent Bank dated 15.06.2019 as illegal.

4.Such a prayer cannot be entertained in a writ petition, when the SARFAESI Act provides for an alternate remedy under Section 17 of the Act.

5.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

MR

+1 CC to Mr.B.RAJESH SARAVANAN, Advocate (SR-98362[F] dated 14/11/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-98687[F] dated 15/11/2019)

Order made in

W.P. [MD]No.23952 of 2019

Dated: **13.11.2019**

MK (05.12.2019) 2P 3C