



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.24052 of 2019

D.Kanagaraj

... Petitioner

Vs.

1.The Manager,
State Bank of India,
Smathanapuram,
Palayamkottai,
Tirunelveli District.

2.The Special Officer,
State Bank of India,
Samathanapuram,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to furnish correct particulars of account in Loan Account No.67073543525 on the file of the first respondent in terms of the notice dated 18.03.2017 and also direct the first respondent to appear before Tirunelveli District Legal Service Authority for settlement talk.

For Petitioner : Mr.P.Ramasamy

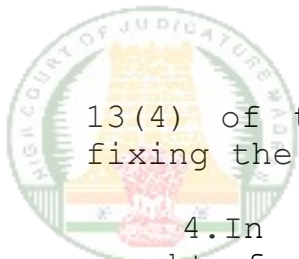
O R D E R

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

Heard Mr.P.Ramasamy, learned counsel appearing for petitioner.

2.The petitioner seeks to direct the first respondent to furnish correct particulars of account in Loan Account No.67073543525 on the file of the first respondent in terms of the notice dated 18.03.2017 and also direct the first respondent to appear before Tirunelveli District Legal Service Authority for settlement talk.

3.Admittedly, the petitioner is a defaulter having not paid the loan availed from the respondents bank. We find that action has been initiated under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act). The property which was mortgaged by the petitioner to the respondents bank was taken over under Section



13(4) of the said Act and E-Auction Sale Notice was also issued fixing the auction on 23.07.2019.

4. In these circumstances, we cannot issue any direction as sought for by the petitioner. Therefore, the Writ Petition is dismissed. No costs. It is open to the petitioner to approach the respondent bank for necessary relief.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rmk

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SMA/2/12/19/2P/1C