



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH  
AND  
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.7192 of 2020

1.M/s.KMB Marbles & Granites India Pvt Limited  
Rep. by its Managing Director,  
Mr.K.Yusuff Basha  
No.4/59, Bharathi Street,  
Swarnapuri, Salem - 636 004.

2.M/s.KMB Granites Enterprises Pvt Limited  
Rep. by its Managing Director,  
Mr.K.Yusuff Basha  
No.4/59, Bharathi Street,  
Swarnapuri, Salem - 636 004.

... Petitioners

Vs

1.The District Magistrate and Collector,  
Salem District, Salem.

2.The Authorized Officer,  
State Bank of India,  
Stressed Assets Management Branch,  
1112, Raja Plaza, Avinashi Road,  
Coimbatore 641 037.

3.State Bank of India,  
Rep. by its Branch Manager,  
Salem Branch,  
(Earlier in the name of State Bank of Travancore)  
No.9, Rajaji Road, Hasthampatty Post,  
Salem - 636 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari or any other appropriate writ or direction in the nature of writ or order by calling for the records of the 1<sup>st</sup> respondent in its



Roc.No.21329/2019/C5 dated 24.02.2020 and quash the same.

For Petitioners : Mr.V.Vijayashankar

For Respondents : Mr.G.K.Muthukumar,  
: Spl GP for R1  
: Mr.M.L.Ganesh for R2,R3

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ORDER

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

This writ petition has been filed challenging the impugned order passed invoking Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

2. When the matter is taken up on the last hearing, the learned counsel appearing for the respondent/Bank submitted that in view of the specific provision contained under Section 17 of the SARFAESI Act and in the light of the judgment of the Apex Court in General Manager, Sri Siddeshwara Co-operative Bank Limited and another v Iqbal and others reported in (2013) 10 SCC 83, the petitioner cannot maintain this writ petition as the remedy lies only before the Debts Recovery Tribunal. The learned counsel appearing for the petitioner sought time to get instructions in this regard.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that in view of the subsequent situation arising out of the pandemic, the petitioner is not in a position to file the appropriate application invoking Section 17 of the SARFAESI Act.

4. The learned counsel appearing for the respondent/Bank submitted that the Debts Recovery Tribunal, Madurai is open and the petitioner can very well file such an application.

5. Considering the above, while disposing of the writ petition, liberty is given to the petitioner to file appropriate application before the Debts Recovery Tribunal, Madurai, if so advised, within a period of two weeks from the date of receipt of a copy of this order as the petitioner has of course before the wrong forum. There shall be an order of status quo till such time.



6. The writ petition stands disposed of accordingly. No costs. Consequently, connected W.M.P.Nos. 8589 to 8591 of 2020 are closed.

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Sd/-  
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

ssm

To

- 1.The District Magistrate and Collector,  
Salem District, Salem.
- 2.The Authorized Officer,  
State Bank of India,  
Stressed Assets Management Branch,  
1112, Raja Plaza, Avinashi Road,  
Coimbatore 641 037.
- 3.The Branch Manager,  
State Bank of India,  
Salem Branch,  
(Earlier in the name of State Bank of Travancore)  
No.9, Rajaji Road, Hasthampatty Post,  
Salem - 636 007.
- 4.The Debts Recovery Tribunal  
Madurai

W.P.No.7192 of 2020

aa01/07/2020