

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4022 of 2017

and

WMP.No.4121 of 2017

State Bank of India,
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore-641 037,
rep. by its Asst. General Manager. ..Petitioner

-Vs-

1. The Assistant Commercial (CT),
Tiruppur Centre Circle II,
Government of Tamil Nadu,
Tiruppur.
2. The Sub-Registrar,
Sulur Sub Registrar Office,
Sulur, Coimbatore District.
3. M/s.Shri Sivaraam Spinning Mill,
rep. by its Partners,
No.674/1C, Kulathur Road,
Venkittapuram Village & Post,
Coimbatore-641 014.

4. N.Senamarrai ..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the second respondent relating to an attachment entry registered as Doc.No.18/2014, pursuant to a letter in Na.Ka.No.1715/2014 A3 dated 18.07.2014 of the first respondent for the alleged tax dues of the third respondent and to quash the same, being arbitrary, non considerate, derogation of the statutory provisions and being against the principal of natural justice and fair play, and consequently direct the second respondent to remove the attachment entry as to enable the petitioner bank or persons claiming through them to register Sale deed or documents concerning the property, being land measuring an extent of 3.62 ½ acres comprised in SF Nos.674/1C,

2 & 3 of Neelambur Village, Kulathur Road, Coimbatore together with the factory building measuring an extent of 58714 sq. feet, in view of the petitioner's priority of right over the said property also recognised by the amendments brought to the provisions of the SARFAESI Act.

For Petitioner : M/s.Ramalingam & Asso.

For Respondent : Mr.R.Swarnavel, GA (T)
Nos.1 & 2

O R D E R

With the consent of both the parties, the Writ Petition is taken up today and heard through video conferencing.

2. The core issue involved in the present Writ Petition is as to whether the Department or SARFAESI proceedings initiated by the Nationalised Bank, would have the first charge over the property of the petitioner. Such an issue is pending consideration before the Hon'ble Supreme Court in SLP.(C) No.42264 of 2017.

3. It is brought to the notice of this Court that the Hon'ble Apex Court has also passed an interim order directing the parties to maintain status-quo. While that being so, it would not be appropriate for this Court to go into the merits of the issue which is pending consideration before the Hon'ble Supreme Court. However, this Court is of the considered view that if the petitioner is granted liberty to work out his remedy as and when the decision is taken by the Hon'ble Supreme Court, the ends of justice could be secured.

4. In view of the above, both the parties are directed to maintain status-quo as per the order dated 16.03.2018 made in SLP.(C) D.No.20471 of 2017 till a final decision is taken by the Hon'ble Apex Court. Accordingly, the Writ Petition stands closed with liberty to the petitioner to work out his remedy, in accordance with law, subject to the decisions to be taken by the Hon'ble Supreme Court in SLP.(C) No.42264 of 2017. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

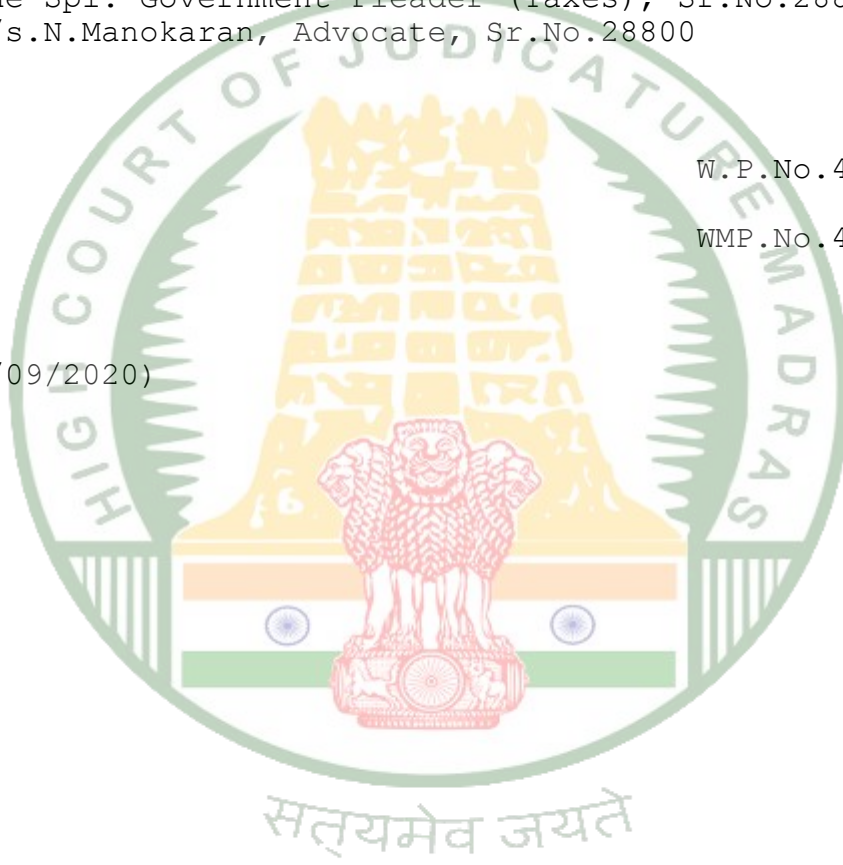
To

1. The Assistant Commercial (CT),
Tiruppur Centre Circle II,
Government of Tamil Nadu,
Tiruppur.
2. The Sub-Registrar,
Sulur Sub Registrar Office,
Sulur, Coimbatore District.

+1cc to the Spl. Government Pleader (Taxes), Sr.No.28814
+1cc to M/s.N.Manokaran, Advocate, Sr.No.28800

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