



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

WEB COPY

CORAM

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

W.P.No.32912 of 2019

S.Krishnammal

... Petitioner

Vs

State Bank of India,
Stressed Assets Management Branch,
Rep by the Authorized Officer &
Assistant General Manager,
No.32, Red Cross Road,
Egmore, Chennai- 600 008.

... Respondent

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus forbearing the respondent to defer the e-auction notice dated 15.10.2019 with respect of the 3rd item of the property in Plot No.C-69, NEE in Old Ward No.III, Block - 4, New Ward - D, New Block No.27 bearing Municipal Door No.11 in re-survey Old T.S.No.58 part and 59 part New T.S.No.106 and in the (Thillainagar) Peravadavur and Puthur Village in the Tiruchirapalli Taluk and Municipality measuring about 4000 sq ft by considering the petitioner representation dated 18.11.2019.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.S.Sethuraman

ORDER

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

The petitioner has come forward with the prayer to defer the e-auction notice while considering his representation made on 18.11.2018.



2. The learned counsel appearing for the respondent submitted that insofar as the auction of the property for which the present writ petition is filed cannot be conducted as there were no bidders, nothing survives for consideration. The petitioner has also moved Debts Recovery Tribunal and the application filed therein is still pending.

3. The learned counsel appearing for the petitioner submitted that the other properties can be brought up for auction and if there are no properties, the present property can be brought up.

4. The learned counsel appearing for the respondent submitted that the outstanding loan amount is Rs.22 crores and even auctioning all properties would not be sufficient.

5. In law, one cannot issue such a direction. It is for the respondent to choose the property. The application before the Debts Recovery Tribunal is also pending. Therefore, while holding that nothing survives for consideration in this writ petition, we are not inclined to issue any positive direction in this regard. However, we make it clear that it is for the respondent to take a call at the request made by the petitioner.

Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.No. 33346 of 2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssm

To
The State Bank of India,
Stressed Assets Management Branch,
Rep by the Authorized Officer &
Assistant General Manager,
No.32, Red Cross Road,
Egmore, Chennai- 600 008.

+1cc to Mr.Ma.P.Thangavel, Advocate Sr.22309
+1cc to Mr.S.Sethuraman, Advocate Sr.22105

W.P.No.32912 of 2019

ev[co]
srg 09/07/2020