



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.08.2021

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.15519 of 2013

and

MP No.1 of 2013

M/s.Federal Bank Ltd.,
(represented by its Chief Manager,
Sasidharan K)
Asset Recovery Branch,
57, Royapettah High Road,
Chennai - 600 014

.. Petitioner

Vs

1.The Commercial Tax Officer,
Presently designated as
The Assistant Commissioner (CT),
Porur Assessment Circle,
3, Arcot Road,
Alwarthirunagar, Chennai - 600 087.

2.The Deputy Commissioner (CT),
Zone X, C.T.Buildings, Greams Road,
Chennai - 600 006.

3.M/s.Arrow Pack Pvt. Ltd.,
(Rep. By its Director)
No.4, Mullai Street, Gandhi Nagar,
Saligramam, Chennai - 600 093.

4.Mr.S.Amalraj

5.M/s.Om Sakthi Plastics (India)
Private Limited,
(Rep. By its Directors)
No.4, Mullai Street,
Gandhi Nagar, Saligramam,
Chennai - 600 093.

.. Respondents



PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records on the files of the first respondent herein in Form 7A by Rc.4503/00/A3/dated 26.6.2008 and quash the said proceedings in Form No.7A, by Rc.4503/00/A3 dated 26.6.2008, as illegal and without jurisdiction.

For Petitioner : Mrs.Mallika Srinivasan

For Respondents : Mr.V.Veluchamy, GA (for R1 and R2)
Not ready in notice (for R3 to R5)

O R D E R

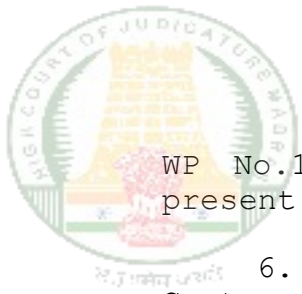
The notice of sale of land in Form No.7A, in proceedings dated 26.06.2008, is sought to be quashed in the present writ petition.

2. The petitioner is a scheduled bank, governed by the provisions of the Banking Regulations Act, 1949. The writ petition is filed challenging the attachments and revenue sale of properties, mortgaged by the 4th Respondent viz., Mr.S.Amalraj, by way of an equitable mortgage dated 04.04.1995 for the purpose of loan advanced to the 3rd respondent Private Limited Company, which is stated to be a Sales Tax defaulter. The properties brought for sale are the personal property of the 4th respondent / Director of the 3rd respondent Private Limited Company and proceeded against to realise the arrears of the 3rd respondent Private Limited Company.

3. The very same petitioner viz., Federal Bank Limited filed WP No.15938 of 2009, to quash the endorsement in the Encumbrance certificate dated 08.12.2008, with Entry No.1106 of 2007 dated 02.02.2007 of the Sub Registrar, Chennai.

4. The present writ petition is filed on the ground that pursuant to the endorsement in the Encumbrance Certificate dated 08.12.2008, the attachments and revenue sale of properties, were made by the respondents 1 and 2. Thus, the petitioner is constrained to move the second writ petition.

5. The present writ petition is filed subsequent to the first writ petition filed by the writ petitioner in WP No.15938 of 2009, which is taken up for hearing. In view of the fact that the issues raised in both the writ petitions are one and the same and already a direction is issued in the first writ petition filed in WP No.15938 of 2009, no further consideration is required in respect of the present second writ petition and accordingly, the observation made and the directions issued in



WP No.15938 of 2009, are to be followed in respect to the present writ petition also.

6. Accordingly, the writ petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ars

To

1.The Commercial Tax Officer,
Presently designated as The Assistant Commissioner (CT),
Porur Assessment Circle, 3, Arcot Road,
Alwarthirunagar, Chennai - 600 087.

2.The Deputy Commissioner (CT),
Zone X, C.T.Buildings, Greams Road,
Chennai - 600 006.

+1cc to M/s.Mallika Srinivasan, Advocate Sr No.40569

WP No.15519 of 2013

NRL (CO)
PR (03/09/2021)