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Cont.P.No.356 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Cont.P.No. 356 of 2015

The Authorized Officer,
State Bank of India,
Retail Assets Central Processing Centre,
OMR, New No. 4/952, New No. 4-952-A,
3rd Floor, Rajiv Gandhi Salai,
Perungudi,
Chennai.

... Petitioner

Vs

Mr. Kannan Thangaraj,
No.11/376, Kannadasn Salai,
East Mogappair,
Chennai

... Respondent

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the Respondent for his wilful disobedience of his Affidavit of Undertaking filed in the above Writ Petition in W.P. No. 28974 of 2014, making a false representation, promise and undertaking to the Court thereby inviting this Court to pass order dated 18.11.2014, obstructing the administration of justice and also having wilfly and wantonly disobeyed and committed breach of the said order.

For Petitioner : Mr. R. Imayavarnan
for M/s. Ramalingam & Associates



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ORDER

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.This Contempt Petition has been filed by the bank alleging that the undertaking given by the First Respondent/Debtor has been violated by him, which has been filed pursuant to the order dated 18.11.2014 passed in W.P. No. 28974 of 2014 filed by the First Respondent challenging the very Section 2(o) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

3. The Respondent is the borrower from the Petitioner. Since the Respondent failed to pay the amount, proceedings have been initiated to recover the money under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

4. In those circumstances, the Respondent filed the Writ Petition in W.P. No. 28974 of 2014. Even though larger relief was sought, this Court disposed of the Writ Petition with the following terms:-

"5. In such circumstances, these writ petitions are disposed of granting liberty to the petitioner in both the cases to clear the dues payable as on 09.10.2014 by four equal monthly instalments



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of Court committed by the Respondent. However, there is no direction given in that manner as pleaded. Moreover, liberty has been given to the Petitioner to proceed in accordance with law which they have already initiated against the Respondent. Merely because the Respondent is evading the payment and not allowing the Petitioner/bank to take possession of the property, the Contempt Petition cannot be maintained. Moreover, the Petitioner/Bank has got enormous power and it is always open to take appropriate action under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

9. Hence, this Contempt Petition is dismissed. It is made clear that it is always open to the Petitioner to proceed in accordance with law.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

ay

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/04/08/2021