

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12729 of 2021

K.Sellamuthu

.. Petitioner

vs.

1. The Secretary to Government
Ministry of Financial Services
Ministry of Finance
Government of India
3rd Floor, Jeevan Deep Building
10, Parliament Street
New Delhi.
2. The Presiding Officer
Debt Recovery Tribunal
2nd and 3rd Floor, Jawan's Bhavan
27, T.B.Road
Coimbatore - 641 018.
3. Reserve Bank of India
rep. by Banking Ombudsman
16, Rajaji Salai, Fort Glacis
Chennai - 600 001.
4. The Branch Manager
Axis Bank Limited
Muthur Road, Vellakoil - 638 111
Kangayam Taluk
Tirupur District.
5. The Authorized Officer
Axis Bank Limited
Agri Centre
56, 1st Floor, Bharathi Park
2nd Cross Road, Saibaba Colony
Coimbatore - 641 011.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the second respondent not to entertain the banks for

invoking the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act (RDDBFI) Act and SARFAESI Act regarding agriculturists crop loans mortgaged by the agricultural lands involved.

For Petitioner : Mr.C.Prakasam

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner seeks a general order requiring agricultural land not to be auctioned in proceedings instituted under the Recovery of Debts and Bankruptcy Act, 1993 and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The two statutes are inter-related and in view of Section 31 of the Act of 1993, agricultural land cannot be accepted by way of security nor sold in course of proceedings instituted under the said Act.

3. In any event, these are matters which ought to be left to the individual cases and for which no public interest litigation can be entertained, particularly when there is a provision in the statute taking care of the interest of persons holding agricultural land.

W.P.No.12729 of 2021 is disposed of without any order. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sasi/bbr

To:

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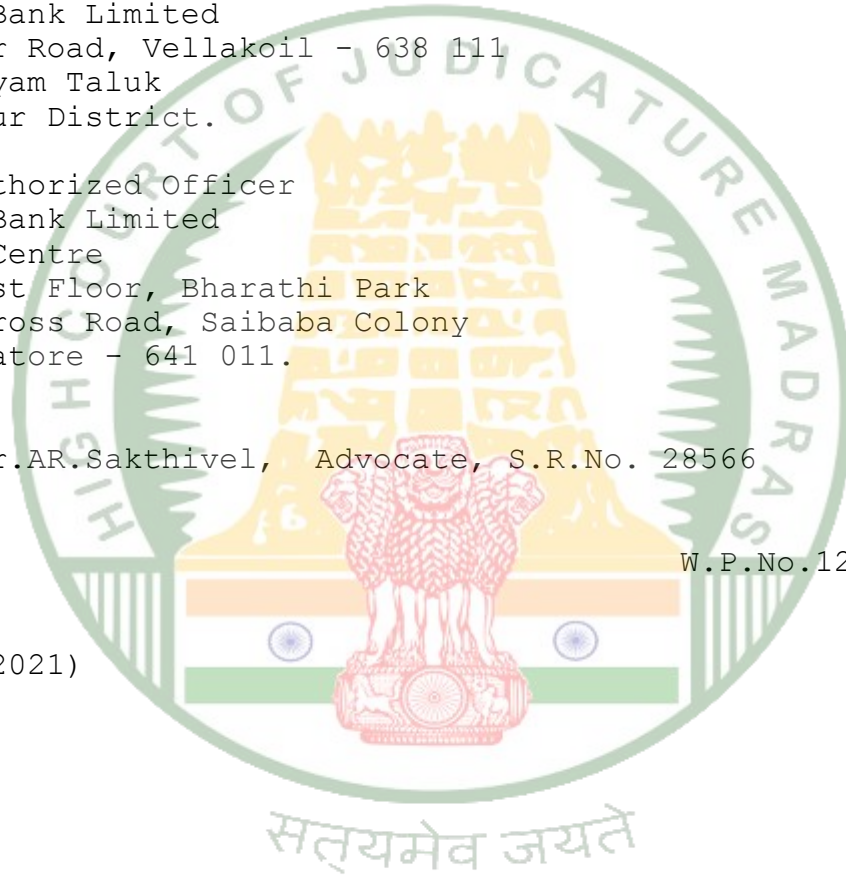
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+1cc to Mr.AR.Sakthivel, Advocate, S.R.No. 28566

W.P.No.12729 of 2021

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