



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P.(MD)No.3828 of 2021

and

W.M.P.(MD)No.3045 of 2021

Gugan Paper Mills Pvt. Ltd.,
Rep. by its Director
R.Sathyanarayanan

: Petitioner

Vs.

1. Central Bank of India,
Rep. by its Authorized Officer,
No.14/15, Variety Hall Road,
Coimbatore - 641 001.

2. IDBI Bank,
Rep. by its Authorized Officer,
NMG, 2nd Floor, Saidapet,
115, Anna Salai, Post Bag No.805, Chennai - 600 015.

3. CFM Asset Reconstruction Pvt. Ltd.,
Rep. by its Authorized Officer,
1st Floor, Wakefield House,
Sprott Road, Ballard Estate,
Mumbai - 400 038,
Asset sold by Indian Bank, Thiruchengodu.

4. The District Collector & District Magistrate,
Dindigul District, Dindigul. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the first respondent bank in Notice issued under Section 13(4) of the SARFAESI Act dated 11.05.2016 issued by the 1st Respondent Bank and quash the same as illegal, since the same suffers from infirmities and consequently, declare the proceedings and actions of the fourth respondent dated 27.11.2017 and subsequent sale auctions dated 08.11.2016 and 05.10.2020 that took place pursuant to the above said notices and proceedings as null and void and non est in law and consequently, direct the first respondent bank to put the petitioner to possession of the said properties.



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For Petitioner : Mr.A.Sivaji

For Respondents : Mr.N.Dilip Kumar,
Standing Counsel
for R.1
Mr.K.Mu.Muthu
Additional Government Pleader
for R.4

ORDER

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

The petitioner has challenged the notices issued under Section 13(4) of the SARFAESI Act, by raising issues, such as, covering more extent of land that the one actually mortgaged for sale and not complying with the provisions of the SARFAESI Rules with respect to movables.

2. The learned Standing Counsel appearing for the first respondent submitted that five Original Applications have already been filed by the petitioner and the interim orders passed have not been complied with. Now the sale has been effected and the sale certificate has been issued.

3. In view of the above, we are not inclined to entertain this writ petition and the same is accordingly, dismissed. However, we make it clear that it is well open to the petitioner to raise all the contentions before the pending proceedings. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(AE)

/True copy/

/ /2021

Sub Assistant Registrar(CS-)

To

The District Collector & District Magistrate,
Dindigul District, Dindigul.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7844[F] dated 01/03/2021)
+1 CC to M/s.A.SIVAJI, Advocate (SR-8035[F] dated 02/03/2021)
+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-8157[F]dated 02/03/2021)

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GK
PK/08.03.2021 : 2P/5C