



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)Nos.21236 to 21239 of 2021

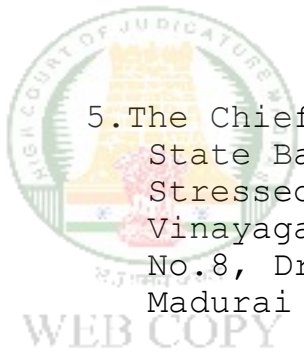
and

W.M.P(MD)Nos.17823 to 17826 of 2021

V.Muthaiyan	... Petitioner in W.P(MD)No.21236 of 2021
P.vijayakumar	... Petitioner in W.P(MD)No.21237 of 2021
R.Kumar	... Petitioner in W.P(MD)No.21238 of 2021
P.Francis Raja	... Petitioner in W.P(MD)No.21239 of 2021

Vs.

- 1.The Regional Director,
Reserve Bank of India,
South Zonal Office,
No.16, Rajaji Salai,
Fort Glacis,
Chennai - 600 001.
- 2.The Chief Vigilance Officer,
State Bank of India,
State Bank Bhavan,
Madame Cama Road,
Nariman Point,
Mumbai - 400 021.
- 3.State Bank of India,
Rep. by its Assistant General Manager,
Stressed Assets Recovery Branch (SARB),
Vinayaga Nagar Branch Upstairs,
No.8, Dr.Ambedkar Road,
Madurai - 625 020.
- 4.The Chief Manager,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
Vinayaga Nagar Branch Upstairs,
No.8, Dr.Ambedkar Road,
Madurai - 625 020.



5.The Chief Manager and Authorised Officer,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
Vinayaga Nagar Branch Upstairs,
No.8, Dr.Ambedkar Road,
Madurai - 625 020.

6.Suresh Thirumalai,
Proprietor,
M/s. Adithya Builders,
No.9, SV Complex, 2nd Floor,
Musiri, Trichy District.

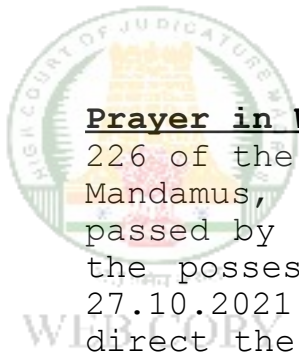
7.Kattabomman,
Chief Manager,
State Bank of India,
Tiruchirappalli Branch,
No.34, Subbaiah Pillai Towers,
Chinnakadai Veethi,
Trichy - 620002.

... Respondents

Prayer in W.P(MD)No.21236 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the third respondent in MDU/SARB/171 dated 26.08.2021 and the possession notice dated 06.09.2021 and the sale notice dated 27.10.2021 issued by the fifth respondent and quash the same and direct the respondents 3 to 5 to calculate the loan amount utilized for making construction and collect the same from the petitioner and recover the remaining loan amount from the respondents 6 and 7.

Prayer in W.P(MD)No.21237 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the third respondent in MDU/SARB/153 dated 19.08.2021 and the possession notice dated 06.09.2021 and the sale notice dated 27.10.2021 issued by the fifth respondent and quash the same and direct the respondents 3 to 5 to calculate the loan amount utilized for making construction and collect the same from the petitioner and recover the remaining loan amount from the respondents 6 and 7.

Prayer in W.P(MD)No.21238 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the third respondent in MDU/SARB/154 dated 19.08.2021 and the possession notice dated 06.09.2021 and the sale notice dated 27.10.2021 issued by the fifth respondent and quash the same and direct the respondents 3 to 5 to calculate the loan amount utilized for making construction and collect the same from the petitioner and recover the remaining loan amount from the respondents 6 and 7.



Prayer in W.P(MD)No.21239 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the third respondent in MDU/SARB/170 dated 26.08.2021 and the possession notice dated 06.09.2021 and the sale notice dated 27.10.2021 issued by the fifth respondent and quash the same and direct the respondents 3 to 5 to calculate the loan amount utilized for making construction and collect the same from the petitioner and recover the remaining loan amount from the respondents 6 and 7.

(In All W.Ps)

For Petitioner : Mr.P.Vinoth for

Mr.M.Saravanan

For R-2 to R-5 : Mr.N.Dilipkumar

COMMON ORDER

(Order of the Court was made by

PUSHPA SATHYANARAYANA, J.)

These are the writ petitions filed by the borrowers from the bank challenging the sale notice dated 27.10.2021 as per which, the sale is fixed on 30.11.2021 between 11.00 am and 12.00 p.m. The last date for receiving EMD from the prospective bidders was on 26.11.2021 upto 4.00 p.m.

2. The learned counsel appearing for the respondents bank states that they have not received even a single bid with EMD. Therefore, they would be constrained to issue a fresh auction notice and the sale notice issued has become infructuous.

3. Recording the said submission, the Writ Petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



TO:-

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Stressed Assets Recovery Branch (SARB),
Vinayaga Nagar Branch Upstairs,
No.8, Dr.Ambedkar Road,
Madurai - 625 020.

+4 CC to M/s.P.VINOTH, Advocate (SR-36441[F] dated 30/11/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-36876[F] dated 01/12/2021)

W.P (MD)Nos.21236 to 21239 of 2021

29.11.2021

SRK (CO)

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