



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)Nos.21283 to 21286 of 2021

and

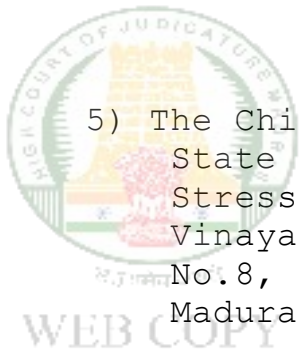
WMP(MD)Nos.17859, 17862, 17861 and 17863 of 2021

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V.Viswanathan	... Petitioner in W.P.21283/21
S.Raja	... Petitioner in W.P.21284/21
A.Rengarajan	... Petitioner in W.P.21285/21
A.Kannan	... Petitioner in W.P.21286/21

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 Authorized 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 in all WPs

W.P(MD)No.21283/2021 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in MDU/SARB/184, dated 03.09.2021 and the Possession Notice dated 06.09.2021 and the Sale Notice dated 27.10.2021 issued by the 5th 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.

W.P(MD)Nos.21284 & 21285/2021 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Possession Notice dated 06.09.2021 and the Sale Notice dated 27.10.2021 issued by the 5th 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.

W.P(MD)No.21286/2021 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in MDU/SARB/231, dated 22.09.2021 and the Possession Notice dated 06.09.2021 and the Sale Notice dated 27.10.2021 issued by the 5th respondent and quash the same and direct the respondents 3 to 5 to calculate the loan amount



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utilized for making construction and collect the same from the petitioner and recover the remaining loan amount from the respondents 6 and 7.

For Petitioner : Mr.M.Saravanan
For R2 to R4 : 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)

Bala

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-37016[F] dated 02/12/2021)

+4 CC to M/s.M.SARAVANAN, Advocate (SR-36931[F] dated 02/12/2021)

W.P(MD)Nos.21283 to 21286 of 2021

DATED : 01.12.2021

RK(09/12/2021) 3P 6C