



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.8232 of 2022
and W.M.P.Nos.8234, 10125 and 10658 of 2022

Dr.A.Thangalakshmi

.. Petitioner

vs

State Bank of India
Rep. by its Authorised Officer,
Asset Recovery Management Branch,
No.44, First Floor, Eldams Road,
Teynampet, Chennai 600 018.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents Bank to extend time to the Petitioner herein to pay the balance amount of 75 percentage of the bid amount in connection with the E-Auction of the property which is subject matter of Sale Notice dated 15.11.2021 in Reference No.SBI/ARMB/SARFAESI/2021-2022 issued by the Respondent Bank for a further period of 3 months.

For the Petitioner:Mr.D.Ravichander

For the Respondent:Mr.M.L.Ganesh

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ORDER

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

The writ petition was filed initially by the petitioner/auction purchaser to seek a direction on the respondent bank to extend the time to pay the balance bid amount in connection with the e-auction of the property in question and subsequently, an application in W.M.P. No.10125 of 2022 has been filed to seek amendment of the final prayer in the writ petition so as to challenge the order dated 06.04.2022 of the respondent



bank forfeiting the 25% of the bid amount paid by the petitioner.

2. The order aforesaid has been issued after the filing of the writ petition, thus amendment has been sought, but we find the order to be appealable in the light of the judgment of the Apex Court in the case of Agarwal Tracom Pvt. Ltd. vs. Punjab National Bank, reported in AIR 2017 SC 5562. For the reason aforesaid, we would not enter into the controversy raised in the writ petition, rather for that, the petitioner is given liberty to avail the remedy of appeal under Section 17 of the SARFAESI Act, where all the issues can be adjudicated and otherwise the writ petition was filed at the stage when the order dated 06.04.2022 was not passed.

3. For all the reasons given above, we do not find reason to accept the application for amendment of the prayer in the writ petition rather for that the application and the writ petition are to be dismissed as the petitioner would have to now avail the remedy of appeal before the Debts Recovery Tribunal in the light of the judgment of the Apex Court supra.

Accordingly, the writ petition is dismissed. The dismissal of the writ petition would not be addressed for any purpose by the Debts Recovery Tribunal rather the Tribunal would adjudicate the matter on merit. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

sra

To:

The Authorised Officer,
State Bank of India
Asset Recovery Management Branch,
No.44, First Floor, Eldams Road,
Teynampet, Chennai 600 018.

+lcc to Mr.D.Ravichander, Advocate SR.No.41777

W.P.No.8232 of 2022

PM(CO)
CB(08/07/2022)