



WEB COPY



W.P.No.28983 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28983 of 2022

R.Eliyaas

.. Petitioner

v.

The Authorized Officer / Chief Manager
State Bank of India
Retail Assets Central Processing Centre
No.50, AR Plaza
Mount Poonamallee High Road
Ayyappanthangal, Chennai

.. Respondent

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned sale notice (Ref.No.SBI/ARMB/SARFAESI/2022-23/651) dated 22.09.2022 passed by the respondent and quash the same as illegal.

For Petitioner :: Mr.S.M.A.Jinnah



W.P.No.28983 of 2022

ORDER

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

Mr.R.Eliyaas, S/o Mr.M.A.Rahim, having borrowed a sum of Rs.27,00,000/- from the respondent Bank in the year 2012, due to the default committed in not making the regular monthly installments, suffered a notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 30.07.2019. Thereafter, the respondent Bank also issued the possession notice under Section 13(4) of the said Act on 03.12.2021. Subsequently, a sale notice dated 22.09.2022 was also issued and aggrieved thereby, the petitioner has filed S.A.No.1104 of 2022 before the Debts Recovery Tribunal-III, Chennai and the same is also pending.

2. We have heard the learned counsel appearing for the petitioner. When the petitioner has rightly approached the Debts Recovery Tribunal-III, Chennai questioning the sale notice dated 22.09.2022 by filing S.A.No.1104 of 2022, he cannot invoke the extraordinary jurisdiction of this Court under



W.P.No.28983 of 2022

WEB COPY

Article 226 of the Constitution of India to challenge the very same sale notice dated 22.09.2022 by way of parallel proceedings. Therefore, this writ petition is dismissed as not maintainable. It is open to the petitioner to raise all the contentions before the Debts Recovery Tribunal-III, Chennai in the pending S.A.No.1104 of 2022, which shall be heard and disposed of by the Debts Recovery Tribunal-III, Chennai on its own merits and in accordance with law expeditiously. Consequently, W.M.P.No.28269 of 2022 is also dismissed. There shall be no order as to costs.

Speaking/Non speaking order
Index : yes/no

(T.R.,A.C.J.) (D.B.C.,J.)
10.11.2022

ss

To

1. The Authorized Officer / Chief Manager
State Bank of India
Retail Assets Central Processing Centre
No.50, AR Plaza
Mount Poonamallee High Road
Ayyappanthangal, Chennai



WEB COPY



W.P.No.28983 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

SS

W.P.No.28983 of 2022

10.11.2022