



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM :

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P(MD)No.689 of 2022
and
WMP(MD)Nos.547 and 548 of 2022

K.S.Sabarikrivasan

... Petitioner

vs.

1) The Chief Manager and Authorised Officer,
Secured Assets Recovery Branch, S.B.I.,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai 625 020.

2) The Authorized Officer,
State Bank of India,
SARB - Madurai,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned sale notice dated 14.12.2021 issued by the 1st respondent and quash the same as illegal and for a consequential direction directing the respondents to issue the statement of accounts and other particulars regarding the loan availed by the petitioner within the period that may be stipulated by this Hon'ble Court.

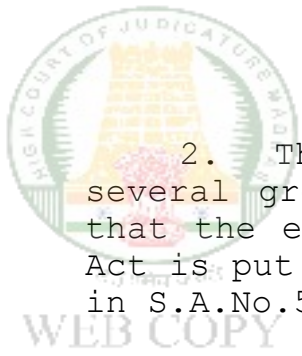
For Petitioner	: Mr.Jerin Mathew for Mr.M.Natarajan
For Respondents	: Mr.N.Dilipkumar

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petition is filed challenging the sale notice issued by the respondent bank for the recovery of a sum of Rs.55,55,117.57/-. The sale is fixed for tomorrow i.e., 20.01.2022.

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



2. The learned counsel appearing for the petitioner raised several grounds including that of the limitation. He also stated that the earlier notice issued under Section 13(4) of the SARFAESI Act is put to challenge before the Debts Recovery Tribunal, Madurai, in S.A.No.582 of 2021 which is pending.

3. The primordial objection raised by the petitioner is that the claim of the bank is barred by limitation.

4. Be that as it may, as the sale is scheduled to be held tomorrow, we direct the petitioner to deposit 50% of the amount indicated in the sale notice, within a period of six weeks from the date of receipt of a copy of this order. If the petitioner fails to comply with the above direction, the respondent bank will be entitled to take any further action in a manner known to law.

5. In the event, no Presiding Officer is appointed before the Debts Recovery Tribunal, Madurai, S.A.No.582 of 2021 may be transmitted to the Debts Recovery Tribunal, Coimbatore, and the same may be disposed of before the time indicated above. In the meanwhile, E-Auction as fixed, may go on. However, the respondent bank is directed not to confirm the sale as it would be subject to the outcome of S.A.No.582 of 2021.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1)The Presiding Officer, Debts Recovery Tribunal, Madurai.

2)The Presiding Officer, Debts Recovery Tribunal, Coimbatore.

3) The Chief Manager and Authorised Officer,
Secured Assets Recovery Branch, S.B.I.,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai 625 020.



4) The Authorized Officer,
State Bank of India,
SARB – Madurai,
Madurai District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-1765[F] dated 19/01/2022)

+1 CC to M/s.M.NATARAJAN, Advocate (SR-1785[F] dated 19/01/2022)

ORDER MADE IN
W.P(MD)No.689 of 2022
DATED : 19.01.2022

_RD/CK(03.02.2022) 3P 7C