



W.P.(MD) No.10522 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.10522 of 2022

and

W.M.P.(MD) No.7644 of 2022

M/s.KSK Traders,
Rep. by Prop. R.Suresh,
No.9, North Street,
Authur Main Road,
Sikkathambar North,
Turaiyur Taluk,
Trichy District.

... Petitioner

-VS-

- 1.The Authorized Officer,
State Bank of India,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai – 625 020.
- 2.The Branch Manager,
State Bank of India,
Door Nos.2A & 2B,
R.K. & K.K. Commercial Building,



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Trichy Road,
Turaiyur Town & Taluk,
Trichy District – 621 010.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned E-Auction sale notice dated 16.05.2022 issued by the 1st respondent and to quash the same as contrary to the mandatory requirements of the SARFAESI Act and the Security Interest (Enforcement) Rules 2002 and consequently direct the Respondents not to take any further action against petitioner's property in furtherance of the Impugned E-Auction Sale Notice dated 16.05.2022, either by trying to dispossess the Petitioner or sell the same or any other act, which will be detrimental to his right and interest.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.C.Karthick

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the impugned E-Auction sale notice dated 16.05.2022, issued by the first respondent, the petitioner has filed this Writ Petition.



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2. When the matter was taken up for hearing, the learned counsel appearing for the respondents - Bank submitted that the conditional order passed by this Court dated 25.05.2022 has not been complied with. He further submitted that the petitioner has filed S.A.No.162 of 2022 before the Debts Recovery Tribunal, Madurai and the same is pending.

3. The learned counsel for the petitioner submitted that the Writ Petition may be closed with liberty to the petitioner to work out his remedy in the pending S.A.No.162 of 2022 before the Debts Recovery Tribunal, Madurai.

4. Granting such liberty, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
18.11.2022

Index : Yes / No
Internet : Yes / No
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