



W.P(MD)No.13152 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.13152 of 2022
and
W.M.P(MD).No.9345 of 2022**

U.Saravanan

... Petitioner

Vs.

The Authorised Officer,
UCO Bank,
Trichy Main Branch,
Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned sale notice of the respondent dated 05.03.2022 issued under Section SARFAESI Act r/w Rule 8(6) of Security Interest (Enforcement) Rule, 2002, quash the same as the same is arbitrary, illegal and ultravires, violation of the provisions of SARFAESI Act.

For Petitioners : Mr.M.Murali

For Respondent : Mr.PT.S.Narendravasan
Standing Counsel



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.M.Murali, learned counsel for the petitioner and Mr.PT.S.Narendravasan, learned Standing Counsel for the respondent Bank.

2. It is brought to the notice of this Court that the petitioner has earlier filed a writ petition in W.P(MD).No.6623 of 2022. The learned counsel appearing for the respondent Bank has produced the typed set of papers containing the affidavit and the petition filed in W.P(MD).No. 6623 of 2022. The affidavit filed therein indicates that the petitioner has challenged the same impugned notice, dated 05.03.2022 in the earlier writ petition. Hence, the second writ petition filed by the petitioner cannot be entertained on the same cause of action.

3. Though the learned counsel for the petitioner pleads ignorance, this Court is of the view that the intention of the petitioner in engaging different counsel to challenge the same notice cannot be taken lightly.



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Hence, this Writ Petition is dismissed with costs of Rs.50,000/- (Rupees Fifty Thousand only) payable to the High Court Legal Services Committee by the petitioner within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected writ miscellaneous petition is closed.

4. Registry is directed to monitor that the petitioner complies with the directions of this Court, so that failing which, the Court may initiate further action.

[S.S.S.R., J.] [S.S.Y., J.]
24.06.2022

Index :Yes/No
Internet :Yes
ssb

To

The Authorised Officer,
UCO Bank,
Trichy Main Branch,
Trichy.



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S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
W.P(MD)No.13152 of 2022
and
W.M.P(MD).No.9345 of 2022

24.06.2022