



W.P.(MD)No.17828 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :08.08.2022

CORAM:

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

W.P(MD)No.17828 of 2022
and
W.M.P(MD)No.13015 of 2022

K.Sridevi

... Petitioner

Vs.

1. The Reserve Bank of India,
Rep. by Deputy Governor,
Department of Banking Operations and Development,
Central Office Building,
Shahid Bhagat, Singh Marg, Mumbai 400 001.

2. National Housing Bank,
3rd Floor, Indian Habitat Centre,
Lodhi Road, New Delhi 110 004.

3. The Banking Ombudsman,
Reserve Bank of India,
Second Floor, Fort Glacis, Post Box No. 40,
Rajaji Salai, Chennai 600 001.

4. Banking Ombudsman,
(Tamil Nadu Union Territories of
Pandicherry and Andaman Nichobar Islands),
Challa Mall, 8th Floor,
11/11A, Sir Theagaraya Road, T.Nagar,
Chennai 60.



W.P.(MD)No.17828 of 2022

5. The District Collector,
Thoothukudi District,
Thoothukudi.

6. South Indian Bank,
Rep its Authorized Officer,
Madurai Regional Office,
1st Floor YMCA Building,
70 Feet Road, Ellis Nagar,
Madurai 625 016.

7. Veerapathiran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned sale notice dated 08.12.2020 in Ref. RO/MDU/GEN/180/2020-21 issued by the 6th respondent and quash the same as illegal and consequently directing the 6th respondent to remove the lock and seal of the petitioner's residential house in Sy.No.1621/1A, Meelavittan Village, Tuticorin Taluk, Tuticorin Registration District, Tuticorin Melur Sub Registry, Tuticorin District, Eastern Side of Plot No.46 in SVPS Nagar having a total area of 4.01 cents by considering the petitioner's representation dated 14.07.2022.

For Petitioner

: Mr.J.David Ganesan

For Respondents

: Mr.R.Pandivel,
Standing Counsel for R-6
Mr.S.P.Maharajan,
Special Government Pleader
(For R-5)



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W.P.(MD)No.17828 of 2022

ORDER

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

This writ petition is filed challenging the notice issued by the sixth respondent under Section 13(8) of the SARFAESI Act, 2002 r/w Section 8(6) of the Security Interest (Enforcement) Rules, 2002.

2. Heard Mr.J.David Ganesan, learned counsel for the petitioner, Mr.R.Pandivel, learned standing counsel for the sixth respondent bank and Mr.S.P.Maharajan, learned Special Government Pleader for the fifth respondent.

3. The learned counsel appearing for the sixth respondent bank submitted that physical possession of the property itself had been taken by the sixth respondent bank on 23.06.2022 pursuant to the order passed by the learned Chief Judicial Magistrate, Tuticorin. He further stated that sale notice was also issued. However, the petitioner without challenging the order of the learned Chief Judicial Magistrate, Tuticorin or the sale notice, has approached this Court to challenge the notice issued under Section 13(8) of the SARFAESI Act.



W.P.(MD)No.17828 of 2022

4. This Court is unable to entertain this writ petition in view of the subsequent developments. However, with a liberty to the petitioner to challenge the order of the Chief Judicial Magistrate or the sale notice said to have been issued by the sixth respondent bank, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
08.08.2022

Index : Yes / No

pm

To:

The District Collector,
Thoothukudi District,
Thoothukudi.



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W.P.(MD)No.17828 of 2022

S.S.SUNDAR, J.
and
S.SRIMATHY, J.
pm

W.P(MD)No.17828 of 2022

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