



W.P.(MD) No.21423 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.21423 of 2022
and W.M.P.(MD)Nos.15570 & 15572 of 2022

S.Jeyapal

... Petitioner

Vs.

1.The Authorised Officer,
State Bank of India, Uthamapalayam
Branch, Uthamapalayam Town and Taluk,
Theni District.

2.The Branch Manager,
State Bank of India, Uthamapalayam
Branch, Uthamapalayam Town and Taluk,
Theni District.

3.The Zonal Officer,
Madurai Branch, State Bank of India,
Madurai.

... Respondents



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WEB COPY PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned Sold Notice dated 13.07.2022 No. Nil issued by the first respondent and quash the same as illegal.

For Petitioner : Mr.S.Jeyapal (Party-in-Person)

For Respondents : Mr.P.Pethurajesh

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the notice dated 13.07.2022, issued by the 1st respondent bank, the petitioner has filed this Writ Petition.

2. The petitioner has borrowed agricultural loan from the respondents bank for a sum of Rs.15,00,000/- on 08.09.2016 and for a sum of Rs.3,00,000/- on 13.02.2017. The petitioner is not in a position to repay the amount, hence, the respondents bank declared the petitioner's loan account as NPA. Subsequently, the respondents bank issued auction notice on 18.05.2022 to brought the petitioner's property for sale. Thereafter, the respondents bank



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WEB COPY issued the possession notice by its impugned notice dated 13.07.2022.

Challenging the said notice, the petitioner has filed this Writ Petition.

3. The petitioner, who appeared in party-in-person, submitted that he has borrowed the said loan for agricultural purpose and the respondent has not followed the rules, while fixing the upset price for the petitioner's property. He further submitted that the respondents bank have sold his property for meager amount, whereas the value of the property is worth about Rs.4 Crores. Therefore, the impugned notice is liable to be set aside.

4. The learned counsel appearing for the respondents bank submitted that the petitioner has not challenged the notices issued under Sections 13(2) and 13(4) of the SARFAESI Act. He further submitted the sale was conducted on 22.06.2022 and the property of the petitioner has been sold for the amount of Rs.42,86,000/-. The petitioner has not impleaded the auction purchaser as party in the present Writ Petition and therefore, this Writ Petition is liable to be dismissed.



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5. On a perusal of the records, it is seen that the petitioner has not challenged any of the proceedings initiated under the SARFAESI Act viz., the notices issued under Sections 13(2) and 13(4). Without challenging the aforesaid notices, the petitioner has now challenged only the impugned sale notice dated 13.07.2022. Further, sale has been conducted and the sale certificate has also been issued in favour of the auction purchaser. In view of the above, we are of the view that this Writ Petition is not maintainable either in law or on facts and hence, the same is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. It is open to the petitioner to work out his remedy before the Debts Recovery Tribunal, Madurai, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]
19.12.2022

Index : Yes / No
Internet : Yes / No
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