



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.23111 of 2021

and

WMP(MD)No.19561 of 2021

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... Petitioner

vs.

1) The Authorized Officer,
South Indian Bank,
Regional Office,
First Floor YMCA Building,
Oppo Astoria Hotels,
70 Feet Road,
Ellis Nagar, Madurai-625 016.

2) The Branch Manager,
South Indian Bank,
Marthandam Branch,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Symbolic Possession Notice dated 29.09.2021 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 the petitioner's property in furtherance of the Impugned Symbolic Possession Notice dated 29.09.2021, either by trying to dispossess him or sell the same or any other act, which will be detrimental to the petitioner's right.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.R.Pandivel, Standing Counsel

ORDER

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

By this writ petition, a challenge is made to the symbolic possession notice issued under Section 13(8) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security



Interest Act, 2002 [hereinafter 'the Act' for brevity] read with Rule 8(6) of the Security Interest (Enforcement) Rules, 2002.

2. The petitioner is having remedy of appeal under Section 17 of the Act, but without maintaining an appeal before the Debts Recovery Tribunal [hereinafter 'DRT' for brevity], this writ petition has been filed. The precise reason for filing of this writ petition is the absence of the Presiding Officer at DRT, Madurai. The petitioner has already filed S.A.No.485 of 2021 before DRT, Madurai.

3. As already an appeal is filed and numbered before DRT, Madurai, the petitioner prays for withdrawal of the writ petition with liberty to move the appeal before the DRT, Coimbatore.

4. As the aforesaid appeal is already filed and pending, DRT, Madurai, is directed to transmit the matter to DRT, Coimbatore, for hearing of the appeal on 07.01.2022.

5. The writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

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/ /2022

Sub Assistant Registrar(CS)

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TO

- 1.The Preciding Officer,
Debt Recovery Tribunal,
Madurai.
- 2.The Preciding Officer,
Debt Recovery Tribunal,
Coimbatore.
- 3.The Authorized Officer,
South Indian Bank,
Regional Office,
First Floor YMCA Building,
Oppo Astoria Hotels,
70 Feet Road,
Ellis Nagar, Madurai-625 016.



4.The Branch Manager,
South Indian Bank,
Marthandam Branch,
Kanyakumari District.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-55[F] dated
03/01/2022)

W.P(MD)No.23111 of 2021
DATED : 03.01.2022

AP (21.01.2022) 3P 6C