



WP No.3023 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WP No.3023 of 2022
and WMP No.3188 of 2022

T.Rajendran

... Petitioner

-VS-

1. The Joint Development Commissioner,
Office of the Development Commissioner,
Ministry of MSME, Government of India,
New Delhi.
2. The Secretary to Government,
Department of Micro, Small and Medium Enterprises,
St.George Fort, Chennai-600 009.
3. The District Collector,
Office of the District Collector,
Trichy, Trichy District.
4. The Authorised Officer,
Canara Bank,
Trichy Cantonment Branch,
No.21, Sri Complex, Mudurai Road,
Trichy-620 008.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to formulate a revival and rehabilitation plan in pursuant to the proceedings issued by the 2nd respondent vide D.O.Letter



WP No.3023 of 2022

No.37/Secy.MSME./2018, dated 13.11.2019, thereby enabling the petitioner to discharge the liability from the 4th respondent bank, and further direct the 4th respondent not to initiate any legal proceedings under SARFAESI Act against the petitioner in pursuant to the proceedings issued by the 3rd respondent vide R.C.No.0865-2019 – Q4 dated, 27.02.2019 till Government Order is passed.

For the Petitioner : Mr.E.Thiyaga

For the Respondents : Mr.S.N.Parthasarathi
SCGSC, for R-1
Mrs.R.Anitha,
Spl.Govt.Pleader
for RR-2 and 3
Mr.C.Deepak for R-4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.E.Thiyaga, learned counsel for the petitioner, Mr.S.N.Parthasarathi, learned Senior Central Government Standing Counsel, for the first respondent, Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.2 and 3 and Mr.C.Deepak, learned counsel for respondent No.4.

2. The petitioner is seeking directions against respondents 1 and 2 to formulate a revival and rehabilitation plan. The petitioner is one of the partners of Sri Yoga Barathi Fab, which falls under the ambit of



WP No.3023 of 2022

Micro, Small and Medium Engineering (MSME) and the company mainly involves in the fabricating work. The company's major work is to execute the assignments obtained from BHEL, Trichy. It appears that some of the MSME units have become defunct and bankers have initiated proceedings under the SARFAESI Act against the defaulters. The petitioner and Tamil Nadu Boilers Association have also requested the Government to formulate a revival plan for the fabrication units in Trichy, which is under process. The petitioner seeks a direction to the authorities not to take further proceedings under the SARFAESI Act.

3. Each commercial transaction will have to be viewed based on its own facts. There cannot a blanket order. There may be cases where some of the borrowers may be *bona fide* defaulters. However, some may be willful or chronic defaulters. The authorities will be required to consider each case on its own merits, based on the factual matrix therein.

4. In view of the above, the relief claimed by the petitioner cannot be considered and granted.



WP No.3023 of 2022

WEB COPY

The writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

17.08.2023

Index : Yes/No

Neutral Citation : Yes/No

sra



WP No.3023 of 2022

To
WEB COPY

1. The Joint Development Commissioner,
Office of the Development Commissioner,
Ministry of MSME, Government of India,
New Delhi.
2. The Secretary to Government,
Department of Micro, Small and Medium Enterprises,
St.George Fort, Chennai-600 009.
3. The District Collector,
Office of the District Collector,
Trichy, Trichy District.
4. The Authorised Officer,
Canara Bank, Trichy Cantonment Branch,
No.21, Sri Complex, Mudurai Road,
Trichy-620 008.



WEB COPY



WP No.3023 of 2022

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(sra)

W.P.No.3023 of 2022

17.08.2023