



W.P.No.14008 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

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

AND

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

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1. M/s.ANS Industries
Rep. by its Managing Director
Mr.S.Anbarasan
S.F.No.51/4B, Perumbadi Road
Nellurpet, Gudiyattam
Vellore District – 632 602.

2. S.Anbarasan .. Petitioners

Vs.

1. District Collector
Vellore District.

2. Revenue Divisional Officer (RDO)
Vellore District.

3. The State Bank of India
Rep. by its Chief Manager
Stressed Asset Management Branch
Red Cross Buildings
No.32, Montieth Road, Egmore
Chennai – 600 008.



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4. A.Rajakumari
5. S.Navneetham
6. S.T.Palanisamy
7. A.Anna Durai
8. Tamilselvi
9. Tennarasi
10. Arivarasan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the 3rd respondent to remove the lock and seal and remove the security personnel placed in the scheduled of property given below in pursuant to the action of taking physical possession under Section 14 of the SARFAESI Act, 2002 and further declare the action of the 1st respondent under Section 14 of SARFAESI Act is illegal, incompetent and without jurisdiction.

For the Petitioners : Mr.M.Muruganantham

For the Respondents : Mr.K.M.D.Muhilan
for R1 & R2

Mr.Ilayaraja Kumar
for M/s.Ramalingam Associates
For R3

No appearance for R4 to R6, R9 &
R10

R7 & R8 not ready in notice



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ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.M.Muruganantham, learned counsel for the petitioners, Mr.K.M.D.Muhilan, learned counsel for respondents 1 & 2 and Mr.Ilayaraja Kumar, learned counsel appearing for for M/s.Ramalingam Associates for respondent 3.

2. The petitioners seek a direction against the respondents to open the lock and seal and deliver the possession back to the petitioners and the action under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI) is also assailed.

3. Already, there appears to be a recovery certificate against the present petitioners. The total amount outstanding as on 31.08.2021 is Rs.1,94,02,092.81/- with future interest at a rate of 10% per annum. The petitioners are not ready to deposit any amount.



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4. The petitioners have also been asked as to whether the petitioners are ready to deposit at least 50 per cent of the amount. The answer of the learned counsel for the petitioner is in the negative.

5. If the petitioners are aggrieved by the action under Section 14 of the SARFAESI Act, a remedy is available under Section 17 of the SARFAESI Act.

6. In the light of that, the writ petition stands disposed of. The petitioners, if so desire, may avail the alternate remedy available. There will be no order as to costs. Consequently, W.M.P.Nos.13262 & 13266 of 2022 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

28.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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P.D.AUDIKESAVALU, J.

(drm)

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