



WEB COPY



WP No.17144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM :

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

AND

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

WP No.17144 of 2023
and WMP Nos.16309 and 16310 of 2023

K.Bagyalakshmi

.. Petitioner

versus

Punjab National Bank
Rep. by its Chief Manager,
Circle SASTRA Centra, Chennai,
2nd Floor, No.769, Spencer Plaza,
Anna Salai, Chennai 600 002.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the order in CMP.No.8542 of 2022 in CNR No.TNKP030050592022 dated 13.10.2022 on the file of Special Judge/Chief Judicial Magistrate, Chengalpat and quash the same.

For the Petitioner : Mr.S.Shujath

For the Respondent : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

* * * * *



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ORDER

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We have heard Mr.S.Shujath, learned counsel for the petitioner.

2. The present writ petition is misplaced. According to the petitioner, the respondent bank has taken illegal action and has entered the house of the petitioner. Learned counsel submits that in April 2023, some amount had been paid by the petitioner to the bank. He submits that as the security interest is in a residential house, this Court may intervene in the matter.

3. Learned counsel for the bank submits that the action had already been taken; sale certificate is issued to the purchaser on 31.03.2023; The possession has also been taken yesterday; and the inventory of movables has also been made.

4. It appears that the petitioner was well aware of the proceedings initiated under the provisions of the SARFAESI Act. The petitioner has annexed the notice issued under Section 13(2) of the Act dated 04.01.2019 along with the petition. The order also appears



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to have been passed under Section 14 of the SARFAESI Act on 13.10.2022. The petitioner has not challenged either the notice under Section 13(2) or the order under Section 14 for a long time. The petitioner is also aware of the order passed under Section 14, as the copy of the said order is annexed to the petition itself. It is the laxity on the part of the petitioner in not challenging the notice/order and allowing the bank to proceed further.

5. The petitioner has remedy before the Debts Recovery Tribunal (DRT) to challenge the action of the bank such as the order under Section 14 of the SARFAESI Act and the sale.

6. Though the petitioner is guilty of laches, delay in taking action, considering that the security interest is in respect of a residential house, we direct the bank to maintain status quo as on today for a period of seven days so as to enable the petitioner to take appropriate steps. Needless to state, on lapse of seven days, the protection granted by this Court shall come to an end.

7. It is made clear that we have not dealt with the merits of the contentions of the bank in the present matter.

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With the above observations, the writ petition is disposed of.

There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

09.06.2023

Index : yes/no

Neutral Citation : Yes/No
sra

To:

The Chief Manager,
Punjab National Bank
Circle SASTRA Centra, Chennai,
2nd Floor, No.769, Spencer Plaza,
Anna Salai, Chennai 600 002.



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

(sra)

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