



WEB COPY



W.P.Nos.26722 to 26726 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.Nos.26722 to 26726 of 2014
and M.P.Nos.1, 1, 1, 1, 1 & 2, 2, 2, 2 & 2 of 2014

Kfeel Ehatesham	...Petitioner in W.P.No.26722 of 2014
S.Valliappan	...Petitioner in W.P.No.26723 of 2014
M.Ganesh	...Petitioner in W.P.No.26724 of 2014
Rajeswari	...Petitioner in W.P.No.26725 of 2014
Sakthivar Sharma	...Petitioner in W.P.No.26726 of 2014

Vs

1.The Authorized Officer,
Asst.General Manager,
State Bank of Hyderabad,
Mount Road Branch,
488/489, Sathguru Complex,
Anna Salai, Nandanam,
Chennai 600 035.

2.Smt.N.Noorjahan,
Partner of M/s.Irfan Industries,
No.2/149, Avadi Road,
Sennerkuppam, Poonamallee,



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Chennai 600 056.
Petitions

... Respondents in all the Writ

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned notice issued by the 1st respondent dated 01.11.2013 and quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.E.Ramachandiran.

For Respondents : Mr.S.Pandurangan for R1.

COMMON ORDER

[Order of the Court was made by R.MAHADEVAN,J,]

The prayer made in these Writ Petitions is to quash the notices issued by the 1st respondent dated 01.11.2013 insofar as the petitioners are concerned.

2.When these matters were taken up for consideration, the learned counsel for the first respondent submitted that nothing survives for further adjudication herein as the impugned notices have already been challenged before the Debts Recovery Tribunal by filing Securitisation Application which came to be disposed on 14.08.2014, in the light of the decision of the Hon'ble Supreme Court in *Harshad Govardhan Sondagar v. I.A.R.C.Ltd.*



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and others [2014 (2) D.R.T.C. 1 (S.C.)], wherein, it was categorically held that *"there is no remedy available under section 17 of the SARFAESI Act to the lessee to protect his lawful possession under a valid lease"*.

3.The aforesaid submission of the learned counsel for the first respondent has been fairly conceded by the learned counsel for the petitioners.

4.Recording the above submissions, these Writ Petitions stand closed. No costs. Consequently, all the connected Miscellaneous Petitions are also closed.

(R.M.D.,J.) (M.S.Q.,J.)
20.01.2023

ay/nsd

Index:Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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**R.MAHADEVAN,J.
and
MOHAMMED SHAFFIQ,J.**

ay

**W.P.Nos.26722 to 26726 of 2014
and
M.P.Nos.1, 1, 1, 1, 1 & 2, 2, 2, 2 & 2 of 2014**

Dated:20.01.2023