



W.P(MD).No.19718 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.19718 of 2013

and

M.P(MD) Nos. 1 and 2 of 2013

A.Kanagaraj

..... Petitioner

- Vs-

1. The State Bank of India,
Represented by its Chief Manager,
The State Bank of India,
Agriculture Development Branch,
Vanarapet,
Tirunelveli District – 600 003.

2. The Branch Manager,
State Bank of India,
Tirunelveli ADB,
5/1, Tiruvanathapuram Road,
Tirunelveli District – 627 002.

3. The Authorized Officer,
State Bank of India,
Tirunelveli ADB Branch,
Tirunelveli District – 627 002.

... Respondents



W.P(MD).No.19718 of 2013

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notification on the file of the third respondent, dated 27.11.2013 and quash the same as illegal and consequently for a direction directing the respondents No.1 and 2 to release the petitioner's Tractor viz standard 335 model/2007 tractor and re assess the Agricultural term loan of the petitioner within the time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.Ananth C.Rajesh
For R-2 and R3

: No appearance (For -R1))

ORDER

The present Writ Petition has been filed challenging the auction notice issued by the third respondent, dated 27.11.2013.

2. The learned Counsel for the petitioner would submit that he had availed agricultural loan for the purchase of Tractor and pursuant to the impugned auction notice, his Tractor was confiscated.



W.P(MD).No.19718 of 2013

WEB COPY

3. The case of the petitioner would be that the petitioner had not been given reasonable time to repay the loan and that had confiscated vehicle in the month of June 2013. Even thereafter, he had not been given an opportunity nor the third respondent Bank had recalculated the loan balance amount due from the petitioner. Therefore, he would submit that without any reassessment of the actual amount due to be paid by the petitioner, the Tractor belonging to the petitioner is being brought to auction. Therefore, he would seek to quash the third respondent's auction notice, dated 27.11.2013.

4. The learned Counsel appearing for the respondents Bank submitted that the petitioner has availed advance loan for a sum of Rs.5,30,000/- (Rupees Five Lakhs and Thirty Thousand only) and that he has committed default in payment of the amount and thereafter, he would also submit that even as earlier as March 2012, the petitioner was due to the Bank of sum of Rs.5,25,540/- (Rupees Five Lakhs Twenty Five Thousand Five Hundred and Forty only). There was no further payment from the petitioner.



W.P(MD).No.19718 of 2013

5. I have considered the rival submissions made by the learned Counsels appearing on either side.

6. At the outset, the Writ Petition itself arising out of contractual obligation between the petitioner and the respondents. The factual disputes raised by the petitioner could not be adjudicated in this Writ Petition. It is open to the petitioner to raise factual dispute before the appropriate forum, if he is advised.

7. In the light of the same, I do not find any reason to interfere in the auction notice issued by the third respondent in this writ petition. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

06.01.2023

NCC: Yes / No
Index : Yes / No
Internet : Yes / No
ebsi



W.P(MD).No.19718 of 2013

WEB COPY

To

1. The State Bank of India,
Represented by its Chief Manager,
The State Bank of India,
Agriculture Development Branch,
Vanarapet,
Tirunelveli District – 600 003.
2. The Branch Manager,
State Bank of India,
Tirunelveli ADB,
5/1, Tiruvanathapuram Road,
Tirunelveli District – 627 002.
3. The Authorized Officer,
State Bank of India,
Tirunelveli ADB Branch,
Tirunelveli District – 627 002.



WEB COPY



W.P(MD)No.19718 of 2013

K.KUMARESH BABU, J.

ebsi

Order made in
W.P(MD)No.19718 of 2013

06.01.2023