



W.P.(MD)No.10486 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.10486 of 2023

and W.M.P. (MD) No.9316 of 2023

M/s.Vimalanandha Educational Charitable Trust,  
A trust represented by its Chairman,  
M/s.R.Muruganathan,  
S/o.Ramasamy Thevar,  
D.No.40/B13/406/1,  
Vimal Illam, Rameshwaram Main Road,  
Uchipuli, Ramanathapuram – 623 534.

... Petitioner

Vs.

- 1.The Secretary to Government of India,  
Ministry of Parliamentary Affairs,  
40, P.H., C-1/1, Pandra Park,  
New Delhi.
- 2.The Secretary to Government of India,  
Ministry of Finance Department,  
No.5, New Moti Bagh,  
New Delhi.
- 3.The Secretary to Government of India,  
Ministry of Law and Justice,  
3<sup>rd</sup> Floor, 'C' Wing,  
Lok Nayak Bhawan,  
Khan Market,  
New Delhi 110003.



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4.The Regional Director,  
Reserve Bank of India,  
16, Rajaji Salai,  
Fort Glasis,  
Chennai - 600 001.  
Tamilnadu.

5.The Karur Vysya Bank,  
Rep. by its Authorized Officer,  
Asset Recovery Management Branch,  
R.S.No.170/7, Uthangudi,  
Near Mattuthavani Bus Stand,  
Madurai - 625 107.

6.The Manager,  
Karur Vysya Bank,  
Salai Street,  
Ramanathapuram,  
Ramanathapuram District.

7.M/s.M.Sivasankar,  
Advocate Commissioner,  
Lawyers Chamber,  
Bar Association,  
Ramanathapuram,  
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of declaration, to declare the provision of Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) is null and void.

For Petitioner

: Ms.M.Kala Murugappan



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For Respondents 1 to 3 : Mr.K.Govindarajan  
Deputy Solicitor General of India

For 4<sup>th</sup> Respondent : No appearance

For Respondents 5 & 6 : Mr.V.Sugumar  
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### **ORDER**

(Order of the Court was made by **S.S.SUNDAR, J.**)

The Writ Petition is filed challenging the constitutional vires of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The Hon'ble Supreme Court in **Mardia Chemicals vs. Union of India** reported in **(2004) 4 SCC 311** and in other judgments upheld the constitutional vires of Section 14 and other provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Hence, the Writ Petition is dismissed. Consequently, connected Writ Miscellaneous Petition is also dismissed.

No costs.



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3. It is now represented by the learned Standing Counsel appearing for the respondent bank that the petitioner also challenged the order dated 19.09.2022 in CrI.M.P.No.1614 of 2022, passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by the learned Chief Judicial Magistrate, Ramanathapuram, in W.P.(MD) No.2789 of 2023. This Court though entertained the said Writ Petition and granted opportunity to the petitioner to pay a sum of Rs.1 Crore to the respondent bank on or before 10.04.2023 and the remaining amount in consecutive five instalments, the petitioner has not complied with the said order. Therefore, the respondent bank has taken possession of the property. However, after filing of the present Writ Petition, it is stated that the petitioner has again illegally taken possession of the property.

4. This Court deprecates the conduct of the petitioner as it is not the proper litigacy after order under Section 14 of the SARFAESI Act is passed by following the process known to law. Hence, the petitioner is directed to handover possession of the property to the respondent bank



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within a period of two weeks from the date of receipt of a copy of this order.

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[S.S.S.R., J.] [D.B.C., J.]  
19.07.2023

NCC : Yes / No

Index : Yes / No

sj

To

- 1.The Secretary to Government of India,  
Ministry of Parliamentary Affairs,  
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New Delhi.
- 2.The Secretary to Government of India,  
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No.5, New Moti Bagh,  
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**S.S.SUNDAR, J.**

and

**D.BHARATHA CHAKRAVARTHY, J.**

sj

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