



W.P(MD)Nos.5951 of 2019, 9629 and 9713 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)Nos.5951 of 2019, 9629 and 9713 of 2021
and
W.M.P(MD)Nos.1704, 7371, 7372, 7419, 7420 & 12021 of
2021**

W.P(MD)No.5951 of 2019:

P.G.Karthikeyan

... Petitioner

Vs.

1.The Authorised Officer,
State Bank of India,
Nehurjinagar Branch,
80 feet road,
D.No.96, Municipal Colony,
Dindigul.

2.The Regional Manager,
The State Bank of India,
Regional Office,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to accept the one time settlement payment offered by the petitioner in respect of



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S.A.NO.18 of 2017 pending before the Debts Recovery Tribunal, Madurai within such time as may be frame this Hon'ble Court based on the petitioner's representation dated 04.03.2019.

For Petitioner : Mr.S.Titus

For R-1 : Mr.Thayumanasamy

For R-2 : No appearance

W.P(MD)No.9629 of 2021:

1.P.G.Karuppanna Raja

2.P.G.Karthikeyan

... Petitioners

Vs.

1.The District Collector and District Magistrate,
Dindigul District,
Dindigul.

2.The Chief General Manager,
State Bank of India,
Local Head Office,
16, College Lane, Nungambakkam,
Chennai 600 006.

3.The Authorized Officer cum the Chief Manager,
State Bank of India,
Nehruji Nagar Branch, 80 Feet Road,
D.No.96, Muncipal Colony,
Dindigul.

4.M.Boominathan

..... Respondents



W.P(MD)Nos.5951 of 2019, 9629 and 9713 of 2021

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorariofied Mandamus to call for the records in connection with the impugned order in Proc.Roc.No.33756/2018CI dated 12.02.2021 passed by respondent No.1 and quash the same.

For Petitioner : Mr.S.Titus
For R-1 : Mr.T.Amjadkhan,
Government Advocate
For R-2 : No appearance
For R-3 : Mr.M.Ponniah
For R-4 : Mr.G.Prabhu Rajadurai

W.P(MD)No.9713 of 2021:

1.P.G.Karuppanna Raja

2.P.G.Karthikeyan

... Petitioners

Vs.

1.The District Collector and District Magistrate,
Dindigul District,
Dindigul.

2.The Chief General Manager,
State Bank of India,
Local Head Office,
16, College Lane, Nungambakkam,
Chennai 600 006.



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3.The Authorized Officer cum the Chief Manager,
State Bank of India,
Nehruji Nagar Branch, 80 Feet Road,
D.No.96, Muncipal Colony,
Dindigul.

4.M.Boominathan

5.The Sub-Registrar Joint II,
Dindigul.

6.M.Sadayappan

7.S.Jothi

8.S.Chandrasekaran

..... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in connection with impugned sale deed No.1639 of 2021 registered in the office of Sub-Registrar Joint II, Dindigul, 5th respondent office dated 03.03.2021 and declare the same as null and void and quash the same as it was against SARFAESI Act.

For Petitioner : Mr.S.Titus

For R-1 & R-5 : Mr.T.Amjadkhan,
Government Advocate

For R-2 : No appearance

For R-3 : Mr.M.Ponniah

For R4, R6 & R7 : Mr.G.Prabhu Rajadurai



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COMMON ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard the learned counsel on either side.

2. The learned counsel for the petitioner submits that the writ petition in W.P(MD)No.9713 of 2021 is filed seeking directions against the respondents to give an appropriate amount of compensation, to furnish the statement of accounts and to declare that the possession notice issued by the bank is illegal.

3. W.P(MD)No.9629 of 2021, is filed challenging the notice issued under Section 14 of the SARFAESI Act, 2002.

4. W.P(MD)No.5951 of 2019 is filed seeking directions against the respondent bank to accept the One Time Settlement proposal.

5. It is submitted by the learned counsel for the petitioner that the petitioner had already filed two securitization applications, challenging the possession notice issued under Section 13(4) of the SARFAESI Act, 2002 and the sale notice.



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6. This Court on or about 03.06.2021, passed an order of status-quo until further orders.

7. When the Securitization Applications challenging the actions taken under the SARFAESI Act, 2002, are pending with the Debts Recovery Tribunal and the Debts Recovery Tribunal is the competent forum for assailing the same, it would be appropriate that the said Securitization Applications are decided on merits.

8. As far as One Time Settlement is concerned, the same is between the bank and the borrower. It is for the borrower to give a proposal. It is for the bank to consider the same in accordance with law as per Policy.

9. In light of that, we pass the following order:

(i) The parties may agitate their contentions before the Debts Recovery Tribunal where the Securitization Applications are pending.

(ii) The interim order passed by this Court on 03.06.2021 shall continue till the disposal of Securitization Applications.



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(iii) Considering the facts and circumstances of the case, the Debts Recovery Tribunal may decide the Securitization Applications expeditiously.

(iv) All contentions of respective parties are kept open.

10. The Writ Petitions are accordingly, disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[S.V.G., C.J.]

[L.V.G., J.]

30.11.2023

Index : Yes / No
Neutral Citation : Yes / No

PM

To:

1.The District Collector and District Magistrate,
Dindigul District,
Dindigul.

2.The Sub-Registrar Joint II,
Dindigul.



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THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

PM

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