



W.P.(MD) No.11594 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM:

**THE HON'BLE MR.SANJAY V. GANGAPURWALA,
CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

**W.P.(MD) No.11594 of 2023
and WMP(MD) Nos.10072 & 10073 of 2023**

M/s.Shirdi Sai Industries
rep. by through its
Managing Partner B.Ramamoorthy

... Petitioner

-VS-

- 1.The Authorized Officer,
State Bank of India,
SME Branch
Thuvakudi Industrial Estate,
Thiruchirappalli 620 015.
- 2.The Authorized Officer,
State Bank of India,
Stressed Assets Recovery Branch
8 Dr.Ambedkar Road
Vinayaganagar Branch 1st Floor
Madurai 625 020.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned possession notice dated 21.04.2023 and the consequent E-auction sale notice dated 21.04.2023 issued by the respondents Bank under SARFAESI Act r/w proviso to Rule 8(1) of the Security Interest (Enforcement) Rules, 2002 and quash the same.

For Petitioner : Mr. Joseph Thatheus Jerome
For Respondent : Mr. P. Pethu Rajesh

ORDER

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

The petitioner is challenging the possession notice as well as the E-auction notice.

2. It is submitted that the petitioner has already filed Securitization Application challenging the earlier possession notice on the ground that the procedure under Section 13(3A) is not followed. Subsequently the respondent bank withdrew the possession notice and issued a fresh possession notice. The respondent bank issued possession notice as well as E-auction sale notice on the same day.



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3. As the Securitization application is already pending before the Debts Recovery Tribunal, the petitioner may seek further reliefs before the Debts Recovery Tribunal. This Court had passed an interim order on 14.06.2023, which is operating till today.

4. As we are relegating the petitioner before the Debts Recovery Tribunal, we continue the interim order for a period of 15 days from today so as to enable the petitioner to file necessary application/amendment, which may be considered by the Debts Recovery Tribunal on its own merits.

5. With this observation, the writ petition stands disposed of. However, there is no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

[R.S.M, J.]

22.06.2023

Index : Yes / No
Neutral Citation : Yes / No

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THE HON'BLE THE CHIEF JUSTICE
and
R.SUBRAMANIAN, J.

RR

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