



W.P.(MD) No.13078 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13078 of 2023
and
W.M.P.(MD) No.11072 of 2023**

T.Vijayakumar

... Petitioner

-VS-

1.The Authorized Officer
Tamilnadu Mercantile Bank Limited
S.No.424/6B, Marthandam Highway Road
Karungal
Kanyakumari District-629 157

2.The Branch Manager
Tamilnadu Mercantile Bank Limited
S.No.424/6B, Marthandam Highway Road
Karungal
Kanyakumari District-629 157

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of prohibition prohibiting the respondents from proceeding under the provisions of SARFAESI act and consequently declare the illegal sale and SARFAESI act as null and void and grant the benefits of Section 31(g), 31(i) and 31(j) of SARAESI Act are applicable to the petitioner's agricultural loan Account No.382700160950000 of respondent bank.

For Petitioner : Mr.S.Titus

For Respondents : Mr.N.Dilip Kumar

ORDER

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

The petitioner has already filed W.P.(MD) No.26268 of 2022 and the said writ petition has been disposed of by this Court on 20.02.2023 recording the offer of the petitioner to pay the entire amount. Now, the petitioner seeks a prohibition, on the ground that the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 would not apply for his loan account. We do not think that we can entertain such a writ petition, since the petitioner should be



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estopped by his conduct from contending that the above enactment would not apply for him. Hence, this writ petition fails and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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

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