



W.P.(MD)No.14176 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.14176 of 2023

and

W.M.P.(MD)No.12022, 12023 and 18947 of 2023

M.Sangli

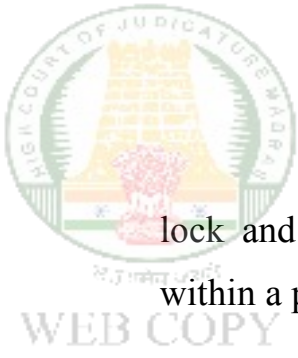
... Petitioner

Vs.

The Authorized Officer,
Bandhan Bank,
(Previously Known as
“GRUH Finance Limited”),
No.39, Pandian Nagar,
Byepass Road, Kalavasal Junction,
Madurai-625 016.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent's impugned possession notice dated Nil and consequential order of the Chief Judicial Magistrate, Theni in Cr.M.P.No.6320 of 2022 dated 03.01.2023 in respect of house property in Old Survey No.225A/9, New S.No.225A/9H an extent of 935 Sq.fts in Genguvarpatti Village, Periyakulam Taluk, Theni District and quash the same as devoid of merits consequently direct the respondent to break open the



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lock and hand over the possession to the petitioner and for other such reliefs within a period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.G.Muthuraman

ORDER

(Order of the Court was made by ***V.LAKSHMINARAYANAN, J.***)

This Writ Petition challenges the symbolic possession notice dated nil and the consequential proceedings of the learned Chief Judicial Magistrate, Theni in CrI.M.P.No.6320 of 2022, dated 03.01.2023.

2.The point on which notice was issued in the Writ Petition was on the ground that the respondent Bandhan Bank is not notified as a financial institution under Section 2(1)(m)(iv) of SARFAESI Act, 2002.

3.Mr.G.Muthuraman, learned counsel for the respondent has produced before us a notification issued by the Ministry of Finance on 10.11.2003, empowering the GRUH Finance Limited, Ahmedabad as the authority entitled to invoke SARFAESI proceedings. The orders of the National Company Law



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Tribunal (NCLT), Ahmedabad Branch, dated 18.09.2019 as well as Kolkata Branch, dated 27.09.2019 are before us. As per the orders of the appropriate Tribunal, the GRUH Finance Limited has been amalgamated with Bandhan Bank. Consequently, the point on which this Writ Petition has been admitted does not survive for consideration, since the Bank is a secured creditor under SARFAESI Act. Nonetheless, taking into consideration the order under Section 14 of SARFAESI Act is appealable under Section 17 of the Act, granting 15 days time to the petitioner to file an appeal before the jurisdictional Debts Recovery Tribunal, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

04.10.2023

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

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

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