



**W.P.(MD)Nos.22415 to 22420, 22435 to 22438,
22867, 23272 and 23273 of 2023**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.22415 to 22420, 22435 to 22438,

22867, 23272 and 23273 of 2023

and

All connected Miscellaneous Petitions

W.P.(MD)No.22415 of 2023:

Rajappa Rajkumar

: Petitioner

Vs.

1.The Deputy Director,
Ministry of Finance,
Government of India,
Department of Financial Services,
3rd Floor, Jeevan Deep Building,
Parliament Street,
New Delhi.

2.The Secretary,
Ministry of Micro, Small and Medium Enterprises,
Government of India,
Udyog Bhawan, Rafi Marg,
New Delhi – 110 011.



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3.The District Collector,
Trichy District,
Trichy.

4.The General Manager,
Circle Office, Canara Bank,
No.563, Anna Salai,
Teynampet,
Chennai – 600 018.

5.The Branch Manager,
Canara Bank,
Thuvakudi Branch, Thuvakudi,
Trichy – 620 015.

6.The Authorized Officer,
Canara Bank,
Assets Recovery Management (ARM) Branch,
1st Floor, Regional Office Building,
Muthaiah Tower,
Williams Road,
Trichy – 620 001.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned E-Auction notice issued by the sixth respondent on 09.08.2023 and to quash the same and consequently direct the respondents 4 to 6 not to proceed as



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against the petitioner's unit and properties which has been given s
security under SARFAESI Act till the Revival and Rehabilitation
process completed by the respondents 1 and 2.

For Petitioner : Mr.M.R.Sreenivasan
For Respondents 1&2 : Mr.K.Govindarajan
Deputy Solicitor General of India
For Respondent No.3 : Mr.T.Amjadkhan
Government Advocate
For Respondents 4&5 : No appearance
For Respondent No.6 : Mr.F.Deepak

COMMON ORDER

**[Common Order of the Court was made by
V.LAKSHMINARAYANAN, J.]**

The Writ Petitioners challenge the e-auction notice that
has been issued by the respondent Bank.

2.A sale notice is challengeable by way of appeal under
Section 17 of 'the Securitization and Reconstruction of Financial
Assets and Enforcement of Security Interest Act, 2002' [hereinafter
'SARFAESI Act' for the sake of brevity].

3.Learned Counsel for petitioners would invite our
attention to the proceedings of the General Manager, District
Industries Centre, Trichy dated 18.11.2023 and states that the



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Bank have agreed that 15 units can go in for OTS and they have been found viable. Whether the petitioner is one of the 15 units have not been stated in the said minutes. It is up to the petitioner to approach the Bank and try to convince them for OTS. Such a relief is not maintainable by way of a Mandamus. If aggrieved by any proceedings of the Bank, the remedy is only to go before the Debts Recovery Tribunal, whereas for a SARFAESI action, normally a writ is not maintainable. It is open to the petitioners to raise all the points including the revised MSME Policy before the Debts Recovery Tribunal.

4.Accordingly, these Writ Petitions stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S.,J.] & [V.L.N.,J.]

24.11.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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AND

V.LAKSHMINARAYANAN, J.

MR

ORDER MADE IN

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