



WEB COPY



W.P.No.7106 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.7106 of 2020

M/s Jayaram Electricals Private Ltd.,
(Electrical Engineers & Contractors & Consultants)
rep.by its Director Mr.Nirmaal Prabhu
No.5, Papanasam Sivan Salai
Santhome, Chennai 600 004

.. Petitioner

v.

1. The General Manager
Indian Overseas Bank
Central Office
763, Anna Salai
Chennai 600 002
2. The Authorised Officer
Indian Overseas Bank
Asset Recovery Management Branch
Ground Floor, Central Office Main Building
763, Anna Salai
Chennai 600 002
3. M/s Ferdous Hotel Pvt Ltd.,
rep.by its Director Mr.Ershad Ahamed



W.P.No.7106 of 2020

No.26/27, Santhome High Road
A Block, 5th Floor
Mylapore, Chennai 600 004

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Prohibition, calling upon the proceedings of the 2nd respondent issued a sale notice dated on 12.02.2020 under the SARFAESI Act, 2002 r/w Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 and further continuation of sale proceedings in New Door No.20, Old No.9C, R.S.No.1731/17, an extent of 8 grounds land with buildings in R.K.Salai, Mylapore and Old Door No.9D, Present Door No.6, New R.S.No.1731/57, an extent of 10 grounds land with buildings in R.K.Salai, Mylapore, Chennai, in accordance with law.

For Petitioner :: Mr.C.Nithyash Sekhar

For Respondents :: Mr.M.L.Ganesh for R1 & R2
R3-Service awaited

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The writ petition is misconceived. The prayer in the writ petition is to prohibit the respondent-Bank from proceeding with the sale notice dated 12.02.2020. The writ petition is pending for more than four years, even though the prayer cannot be conceded on any factual situation. It is also stated that the sale pursuant to the sale notice dated 12.02.2020 had not taken place and therefore the prayer in the writ petition has become



W.P.No.7106 of 2020

infructuous. On the first ground that the writ petition with such a prayer is

not maintainable, this writ petition stands dismissed. Consequently,

W.M.P.No.8467 of 2020 is also dismissed. No costs.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)

Neutral citation : yes/no

06.06.2024

SS

To

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