



WP No.12399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.12399 of 2024

1.M/s.ANS Industries,
rep. By its Managing Partner
S.Anbarasan

2.S.Anbarasan : Petitioners

versus

1.The Authorised Officer,
Stressed Assets Recovery Branch,
State Bank of India,
2nd Floor, Red Cross Buildings,
No.32, Red Cross Road,
Egmore, Chennai 600 008

2.The Branch manager,
State Bank of India,
No.15, Railway Station Road,
Kondasamudram,
Gudiyatham 632 602

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records in relation to the sale notice dated 17.04.2024 and fixing the sale on 09.05.2024 issued by the 1st respondent/bank vide Ref.No.SARB/AVK/59/2024-25 and quash the same.

For Petitioners : Mr.P.Tamilavel



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ORDER

(Made by the Hon'ble Chief Justice)

The petitioners are challenging the auction sale notice. Auction is scheduled to be held on 09.05.2024.

2. Mr.P.Tamilavel, learned counsel for the petitioners, submits that when earlier sale notice was issued, the same was challenged before the Debts Recovery Tribunal by filing securitisation application and the same is pending. According to the petitioners, fraud is committed by the bank. The said aspect has to be considered by the Debts Recovery Tribunal. When the said issue is pending before the Debts Recovery Tribunal, the impugned sale notice is issued.

3. Every sale notice is a fresh cause of action. Under the sale notice, Rs.6,48,54,105/- is claimed, as amount due and payable by the petitioners and the reserve price fixed for the two properties is (i)Rs.3,15,00,000/- and (ii) Rs.9,65,000/-.

4. We cannot stall the sale proceedings. The petitioners have an alternate remedy before the Debts Recovery Tribunal. The petitioners



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may avail the said remedy as may be permissible under law. In that event, all contentions are kept open.

5. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP No.13525 of 2024 is closed.

6. WMP No.13524 of 2024 filed to permit the petitioners to file a single writ petition is allowed and disposed of.

(S.V.G., C.J.) (J.S.N.P., J.)
29.04.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

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