



WEB COPY



WP No.31882 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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and

WMP Nos.34615 and 34616 of 2024

1.M/s.Sre Bagawathi Tex
a partnership Firm, rep. By its
Managing Partner R.Thangaraj

2.R.Thangaraj
3.Ponnammal
4.T.Jeevitha
5.S.Kalaiaarasi

: Petitioners

versus

The Authorised Officer,
State Bank of India, SME Branch,
12-A, Sankagiri Bypass Road,
Pallipalayam 638 006
Namakkal District

: Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent bank to receive and consider the petitioner's request for redeeming the properties e-auctioned on 10.10.2024 pursuant to the notice dated 23.08.2024 issued under Section 13(2) of the SARFAESI Act.



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For Petitioners : Mr.V.Prakash
Senior Counsel,
for Mr.Adrian D.Rozario

For Respondent : Mr.M.L.Ganesh

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

In view of the urgency expressed in the morning, we granted circulation for post-lunch session.

2. We also suggested to petitioners' counsel to give notice to the advocate for the bank that he will be applying today for ad-interim relief.

3. After the petition was heard for some time, counsel for petitioners, in view of the law as laid down by the Apex court in ***Celir LLP vs. Bafna Motors (Mumbai) Pvt. Ltd. & others***¹, and ***PHR Invent Educational Society vs. UCO Bank and others***², sought leave to withdraw the petition with liberty to take such steps as available in accordance with law, including

¹ 2024 (2) SCC 1

² 2024 (6) SCC 579



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to challenge the sale notice.

4. Petition dismissed as withdrawn with liberty as prayed for. There will be no order as to costs. Consequently, the interim application also stands disposed of.

5. WMP No.34615 of 2024 filed to permit petitioners to file a single writ petition is allowed.

6. We clarify that we have not made any observation on the merits of the matter.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

23.10.2024

Index : Yes/No
Neutral Citation : Yes/No
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