



W.P.(MD) No.1892 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.1892 of 2024
and W.M.P.(MD) Nos.1905 and 1909 of 2024**

Sheeba Selin Mary

... Petitioner

-VS-

1.The Authorized Officer,
State Bank of India,
Vadasery Branch,
No.14C, Distillery Road,
Nagercoil,
Kanyakumari District.

2.The Branch Manager,
State Bank of India,
Stressed Assets Recovery Branch,
No.8, Dr.Ambedkar Road,
Vinayagar Nagar Branch, 1st Floor,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to



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impugned sale notice passed by the 2nd Respondent dated 19.12.2023 and quash the same as illegal and consequently, direct the respondents to grant a period of three months to settle the amount as per the order of settlement letter dated 16.08.2023.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.P.Pethurajesh
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the impugned sale notice of the 2nd Respondent dated 19.12.202 and consequently, to direct the respondents to grant a period of three months to settle the amount as per the order of settlement letter dated 16.08.2023.

2. According to the petitioner, she is the sister of the borrower and daughter of the guarantor.

3. Learned Standing Counsel for the respondents, by placing reliance on the order of this Court in W.P.(MD) No.24551 of 2022, filed by the petitioner's



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WEB COPY father, stated that by order dated 28.10.2022, this Court has granted relief on condition to pay a sum Rs.6,00,000/- within one month and the balance amount in two instalments, however, he has not paid the said amount. Subsequently, though the offer for One Time Settlement by the petitioner's father / guarantor was accepted by the respondent bank, he has not paid the same. Hence, the respondent bank has issued the sale notice, which was challenged by the petitioner, who is neither the borrower nor the guarantor. Hence, the Writ Petition is liable to be dismissed.

4. We are convinced that the petitioner is neither a borrower nor a guarantor, hence, the Writ Petition cannot be entertained. If the petitioner has any grievance, she has to approach the concerned Debts Recovery Tribunal under Section 17 of the SARFAESI Act. Further, as narrated above, the borrower or the guarantor have approached this Court or the Bank at every stage and obtained relief on conditions, but failed to comply with the same and now the petitioner, who is the sister of the borrower and daughter of the guarantor approached this Court. Therefore, we are not inclined to entertain the Writ Petition.



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5. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
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Index : Yes / No
Internet : Yes / No
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