



W.P.(MD) No.5363 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

W.P.(MD)No.5363 of 2024

and

W.M.P.(MD)Nos.5146 of 2024

1.M/s.Sai Amrutha Garments,
Proprietor Sri S.Sivarmaganesh

2.K.S.Senthil Kumar

... Petitioners

-Vs-

The Authorized Officer,
Chief Manager,
State Bank of India,
Stressed Assets Recovery Branch,
1st Floor, No.8, Dr.Ambedkar Officer,
Madurai-625020.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent dated 31.01.2024 issued under Section 13(2) of SARFAESI Act, r/w Rule 3 of Security Interest (Enforcement) Rules 2002 and quash the same as the same is arbitrary, illegal and ultra-vires and violation of principles of natural justice in respect of property comprised in S.No.389, Patta No.673, to an extent of 3.68 acres ie., 1.49.0 hector



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situated at Tenkasi District, Sivagiri Taluk, Vasudevanallur Panchayat Union, Ariyur Village also R.S.No.337/7 (old) and R.S.No.339/1B8 (new) Patta No.352, to an extent of 1705 sq.ft situated at Virudhunagar District, Dhalavaipuram Panchayat, Chettiyarpatti revenue village, Kamaraj Nagar.

For Petitioners : Mr.R.G.Shankar Ganesh

For Respondent : Mr.P.Pethu Rajesh,
Standing Counsel

ORDER

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

Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this Writ Petition. However, the learned Standing Counsel appearing for the respondent Bank has made an objection by stating that though the petitioners sent a proposal to the respondent Bank on 07.03.2024 and agreed to pay some portion of the outstanding amount, today, they seek permission of this Court to withdraw this Writ Petition. The attitude of the petitioners approaching this Court at last minute and giving an assurance that they are ready to pay some portion of the outstanding amount is not *bona fide*.



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2.The aforesaid statement made by the respondent Bank is placed on record. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [P.D.B., J.]

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(2/2)**

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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AND

P.DHANABAL, J.

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