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W.P.(MD)NO.13596 OF 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.06.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.13596 of 2024 AND**

**W.M.P.(MD)No.11978 of 2024**

S.Shivakumar

... Petitioner

Vs.

1. The Superintending Engineer,  
Tanjore Electricity Distribution Circle,  
TANGEDCO,  
No.1, Vellam Salai, Tanjore – 613 007.
2. The Assistant Engineer(O&M),  
TANGEDCO, Thirukanurpatti  
Tanjore District – 613 503.
3. M/s.NSK Trading Company,  
Rep. by its Managing Director,  
Mr.Gopal Sivakumar,  
No.119B, Main Road, Kalumangalam,  
Ariyalur – 621 804.
4. M/s.Shri Vari Cashew Private Ltd.,  
Rep. by its Director,  
Balavasanth,  
No.1/31, Nadupillayar Koil Street, Esanai,  
Perambalur – 621 219.
5. The Authorized Officer,  
Indian Bank Zonal Office,  
Jenne Plaza Complex,  
SF, H-II Floor, Barathiyar Salai,  
Trichy District – 620 001.

... Respondents



**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order in letter No.மே.பொ/தமிழ்பவ/தஞ/உசெபொ/வளர்ச்சி/உ.பொ.2/தோ.HT/அ.எண்.1727/24 dated 21.05.2024 on the file of the first respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 & R-2 : Mr.S.Deenadhayalan,  
Standing counsel.

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for TANGEDCO.

2. Issuance of notice to the private respondents is dispensed with.

3. The petitioner is the managing partner of SS Impex. The said firm had availed loan from the Indian Bank. When there was default, the bank took recourse to SARFAESI proceedings. The mortgaged land measuring 7 acres was sold in auction. The categorical stand of the



petitioner is that the plant and machineries were not mortgaged.

According to the petitioner, the possession of the plant and machineries was not taken. In these circumstances, according to the petitioner, the auction purchaser cannot seek transfer of service connection which is meant for plant and machinery. It is also submitted that a separate SARFAESI sale notice has been issued to the plant and machinery and the same has been put to challenge in S.A.No.617 of 2023. An interim order of status quo was granted by the Tribunal.

4. I am of the view that the petitioner has to necessarily seek the relief now sought before me only in S.A.No.617 of 2023 on the file of the Debts Recovery Tribunal, Chennai. Liberty is given to the petitioner to file an interlocutory application in the pending SARFAESI appeal. The petitioner can implead the present respondents alone in the interlocutory application, even though the TANGEDCO is not the respondent in the main appeal. I grant such liberty to the petitioner. Since the matter may become infructuous, the petitioner is given breathing time. I direct respondents 1 and 2 to keep the impugned communication dated 21.05.2024 on hold for a period of four weeks. I make it clear that I have not gone into the merits of the matter. This writ petition stands



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disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**26.06.2024**

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

**Note : Issue order copy on 27.06.2024.**

**To:**

1. The Superintending Engineer,  
Tanjore Electricity Distribution Circle,  
TANGEDCO,  
No.1, Vellam Salai, Tanjore – 613 007.
2. The Assistant Engineer(O&M),  
TANGEDCO, Thirukanurpatti  
Tanjore District – 613 503.



WEB COPY



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**G.R.SWAMINATHAN,J.**

PMU

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26.06.2024