



WEB COPY



Writ Petition No.3862 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

Writ Petition No.3862 of 2025
and W.M.P.No.4280 of 2025

M. Babu

Vs.

... Petitioner

1. The Branch Manager,
Union Bank of India,
(Erstwhile Andhra Bank)
J5 Complex, Hadfield Road,
Hill Bunk, Udhagamandalam Branch,
The Nilgiris - 643 001.

2. The Union Bank of India,
(Erstwhile Andhra Bank)
Rep. by its Authorized Officer,
Asset Recovery Branch,
Post Box No.8, D.No.235,
First Floor, Oppanakara Street,
Coimbatore - 641 001.

3. The Regional Office,
Union Bank of India,
No.1087D, Third Floor,
Krishna Towers,
Papanachenpalayam, Avinashi Road,
Coimbatore - 641 037.

... Respondents



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Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records pertaining to the notice dated 07.06.2024 vide Ref.No.DN/ARB/ /2024-25 issued by the second respondent in exercise of the power conferred on him under Section 13 (2) r/w 13 (3) of SARFAESI Act, 2002 and the subsequent Possession Notice 06.01.2025 issued under Rule 8(1) of the Security Interest (Enforcement) Rules 2002 and the consequential Sale Notice in Ref.No.ARB/CBE/PRE-SN/ /2024-25 dated 13.01.2025 issued under Rule 6 (2) / 8 (6) of Security Interest (Enforcement) Rules 2002 and quash the same.

For Petitioner : Mr. K.V. Babu

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ORDER

*(Order of the Court was made by **S.S. SUNDAR, J.**)*

Since the petitioner has an effective alternative remedy of approaching the Debts Recovery Tribunal by way of filing an application under the SARFAESI Act as against the impugned proceedings, this Court is not inclined to entertain this Writ Petition. Therefore, the learned counsel for the petitioner now seeks permission of this Court to withdraw this Writ Petition. He has also made an endorsement in the bundle to that effect.

2. In view of the above, this Writ Petition is dismissed as



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withdrawn with liberty to the petitioner to approach the Debts Recovery Tribunal. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(S.S.S.R., J.) (C.S.N., J.)
13.02.2025

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To

1. The Branch Manager,
Union Bank of India,
(Erstwhile Andhra Bank)
J5 Complex, Hadfield Road,
Hill Bunk, Udhagamandalam Branch,
The Nilgiris - 643 001.
2. The Authorized Officer,
Union Bank of India,
Asset Recovery Branch,
Post Box No.8, D.No.235,
First Floor, Oppanakara Street,
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and
C. SARAVANAN, J.
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