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W.P. No.14089 of 2017 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.Nos.14089, 13142 and 14090 of 2017 and 30573 of 2016  
and W.M.P.Nos.14129, 14130, 15301, 15302 of 2017 and 26513 of  
2016

W.P.No.14089 of 2017:

M/s.Hotel Milestonnez India Private Ltd.  
rep. by its Managing Director M.Rajamanickam,  
Res. No.19/6, Gandhi Nagar Main Road,  
Virugambakkam,  
Chennai-92

Petitioner

Vs

1.Union of India  
rep. by its Secretary to Government,  
Ministry of Law Justice and Company Affairs,  
New Delhi

2.Union of India  
rep. by its Secretary to Government,  
Ministry of Finance,  
Banking Division,  
New Delhi



W.P. No.14089 of 2017 etc.

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3. Reserve Bank of India  
Fort St. George,  
Chennai-600 009

4. State Bank of India by its  
Authorised Officer,  
Stressed Assets Management Branch,  
Office at Red Cross Buildings,  
No.32, Montieth Road,  
Egmore, Chennai-600 008

5. The Presiding Officer,  
Wilful Defaulter Identification Committee,  
State Bank of India,  
Corporate Centre, State Bank of India,  
19th Floor, State Bank Bhavan,  
Madam Cama Road,  
Mumbai 400 021

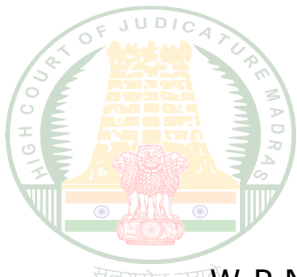
Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring Section 14 of the Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Act 2016 (Act No.44 of 2016) (Enforced w.e.f. 1.9.2016) as unconstitutional violation of Article 300A of the Constitution of India.

For Petitioner : No Appearance

For Respondents : Mr.J.Madhanagopal Rao  
SCGSC for respondent Nos.1 & 2

M/s.Shivakumar & Suresh  
for respondent No.4 & 5



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W.P.No.13142 of 2017:

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M/s.Hotel Milestonnez India Private Ltd.,  
Rep.by its Managing Director M.Rajamanickam,  
No.34, Santhavelur, Sunguvarchatram Post,  
Sriperumbudur,  
Kancheepuram-District-602 106.

Petitioner

Vs

- 1.Reserve Bank of India  
Fort St. George,  
Chennai-600 009.
- 2.State Bank of India by its  
Authorised Officer,  
Stressed Assets Management Branch ,  
Office at "Red Cross Buildings",  
No.32, Montieth Road,  
Egmore, Chennai 600 008.
- 3.The Presiding Officer  
Wilful Defaulter Identification Committee,  
State Bank of India,  
Corporate Centre, State Bank of India  
19th Floor , State Bank Bhavan,  
Madam Cama Road,  
Mumbai - 400 021.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the One Time Settlement offer made by the Petitioner Company on 28.02.2017.



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For Petitioner : No Appearance

For Respondents : M/s.Shivakumar & Suresh  
for respondent Nos.2 and 3

W.P.No.14090 of 2017:

M/s.Hotel Milestonnez India Private Ltd.,  
rep. by its Managing Director M.Rajamanickam,  
No.34, Santhavelur,  
Sunguvarchatram Post,  
Sriperumbudur,  
Kancheepuram District 602 106

Petitioner

Vs

State Bank of India by its Authorised Officer,  
Stressed Assets Management Branch,  
Office at "Red Cross Buildings",  
No.32, Montieth Road,  
Egmore, Chennai-600 008

Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records in pursuance of the orders passed by the Chief Metropolitan Magistrate, Egmore (at Allikulam) in CrI.M.P.No.6993 of 2016 dated 17.8.2016 and quash the same.

For Petitioner : No Appearance

For Respondent : M/s.Shivakumar & Suresh



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W.P.No.30573 of 2016:

M/s.Hotel Milestonnez India Private Ltd.,  
Rep by M.Rajamanickam,  
No.34, Santhavelur,  
Sunguvachatram Post,  
Sriperumbudur,  
Kancheepuram District-602 106

Petitioner

Vs

- 1.Union of India  
Rep. by its Secretary to Government,  
Ministry of Law Justice and Company Affairs,  
New Delhi
- 2.Union of India  
Rep. by its Secretary to Government,  
Ministry of Finance, Banking Division,  
New Delhi
- 3.State Bank of India by its Authorised Officer,  
Stressed Assets Management Branch,  
Office at "Red Cross Buildings",  
No.32, Montieth Road,  
Egmore, Chennai-600 008

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring rule 8[5] and 3 of the Security Interest [Enforcement] rules as unconstitutional violative of Article 300A of the Constitution of India.



W.P. No.14089 of 2017 etc.

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For Petitioner : No Appearance

For Respondents : Mr.J.Madhanagopal Rao  
SCGSC for respondent Nos.1 & 2

M/s.Shivakumar & Suresh  
for respondent No.3

COMMON ORDER

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

These cases were called for hearing in the first session. As there was no appearance on behalf of the petitioner, these cases were passed over. When the cases are called for hearing in the second session, again there is no appearance.

Learned counsel for the respondent bank submits that, in all probabilities, the petitioner may no longer be interested in prosecuting the petitions, as there is no interim order against the possession order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in the year 2017, nor is there any interim order in the other petitions



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challenging the validity of Rules, sale of property and rejection of OTS Scheme. Learned counsel informs the Court that that the property has already been sold towards realization of the loan and the sale certificate has also been issued long back.

2. As there is no one for prosecuting the petitions, these petitions are dismissed for want of prosecution, however, with liberty to revive in case the petitioner intends to prosecute the petitions.

There shall be no order as to costs. Consequently, all miscellaneous petitions are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (SUNDER MOHAN,J)  
01.08.2025

Index : Yes/No  
Neutral Citation : Yes/No  
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To:

- 1.The Secretary to Government,  
Union of India  
Ministry of Law Justice and Company Affairs,  
New Delhi
- 2.The Secretary to Government,  
Union of India  
Ministry of Finance,  
Banking Division,  
New Delhi
- 3.Reserve Bank of India  
Fort St. George,  
Chennai-600 009
- 4.The Authorised Officer,  
State Bank of India  
Stressed Assets Management Branch,  
Office at Red Cross Buildings,  
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THE HON'BLE CHIEF JUSTICE  
AND  
SUNDER MOHAN,J.

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and 30573 of 2016

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