



W.P.(MD)No.6065 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.6065 of 2023
and
W.M.P.(MD)No.5726 of 2025

Senthilkumar

...Petitioner

-Vs-

1.The Authorized Officer,
Indian Bank,
Thirunagar Branch,
Madurai District.

2.Jahir Hussain

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice issued by the first respondent dated 27.02.2023 of intended sale under Rule 6(2) & 8(6) of the Security Interest (Enforcement Rules), 2002 under the SARFAESI Act, 2002 and quash the same as illegal and consequently direct the first respondent to cancel the sale proceedings initiated against the petitioner.

For Petitioner : Mr.N.S.Ponnaiah
For R1 : Mr.C.Karthick
Standing Counsel



W.P.(MD)No.6065 of 2023

ORDER

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

Challenging the sale notice dated 27.02.2023 issued by the first respondent, the petitioner has filed this writ petition.

2.The petitioner has availed loan from the first respondent for purchasing harvesting machine. Thereafter, he has given the entire amount to the second respondent for the said purpose. However, the second respondent cheated the petitioner without providing the harvesting machine. In this regard, the petitioner has made a criminal complaint before the police officials and the same is pending. In the meanwhile, the first respondent issued the sale notice, which is impugned in this writ petition.

3.This Court, at the time of admission, has granted an order of interim stay of all further proceedings regarding the sale of the property. Now, the first respondent has to issue fresh sale notice and the respondent cannot proceed with the impugned sale notice. Hence, the prayer sought for in this writ petition has also become infructuous.

4.The learned counsel for the petitioner submits that the petitioner has also initiated criminal proceedings as against the first respondent Bank and other



W.P.(MD)No.6065 of 2023

officials. Hence, he sought interim protection from sale of his property. For the said relief, the proper course to be adopted by the petitioner is to approach the Debt Recovery Tribunal. Hence, the petitioner is directed to approach the Debt Recovery Tribunal to redress his grievance.

5. Accordingly, this writ petition is **closed**. Consequently, connected miscellaneous petition is closed. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
24.03.2025

Index : Yes/No
Internet : Yes/No
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