



W.P(MD)No.8749 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.8749 of 2025
and
W.M.P.(MD) No.6561 of 2025**

Mohamed Riyas

... Petitioner

Vs.

1.Indian Bank,
Rep., by its Deputy General Manager/
Zonal Manager,
Zonal Office, Kumbakonam,
Thanjavur District.

2.Indian Bank,
Rep., by its Authorised Officer/Chief Manager,
Thanjavur Main Branch,
No.61, South Main Street,
Thanjavur-613 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned sale notice dated 12.03.2025 fixing the auction on 29.03.2025 issued by the 2nd respondent and quash the same.



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For Petitioner : Mr.K.Rajeshwaran
for Mr.G.Prabhu Rajadurai

For Respondents : Mr.C.Karthik
Standing Counsel

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

Notice of intended sale issued under Rules 6(2) and 8(6) of the Security Interest (Enforcement Rules) 2002 under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the SARFAESI Act”) is under challenge in the present writ petition.

2. Admittedly, the proceedings have been initiated under the SARFAESI Act and Rules thereunder and therefore, the present writ petition is not maintainable.

3. Learned counsel for the petitioner would submit that One Time Settlement was offered by the Bank and further, it is under consideration.



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4. However, the learned Standing Counsel for the Bank would oppose by stating that the petitioner has not complied with the conditions stipulated under the One Time Settlement and therefore, he is not eligible to One Time Settlement.

5. It is for the Bank to take possession regarding the acceptability of the scheme or otherwise and based on the terms and conditions under the Scheme. However, the petitioner is at liberty to approach the Debts Recovery Tribunal, if any grievance exists in the manner known to law. It is needless to state that the period during which this writ petition was pending shall be considered for condoning the delay.

6. For the above reasons, this Writ Petition is not maintainable and the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
06.06.2025

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