



W.A(MD) Nos.2181 & 2182 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) Nos.2181 & 2182 of 2025

R.Mayilan

... Appellant / Petitioner

Vs.

**The Branch Manager,
State Bank of India,
Siruthozhi Branch,
Thuvakudi,
Trichy.**

... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order of this Court dated 28.02.2025 in W.P. (MD)Nos.4468 & 4481 of 2025 on the file of this Court.

**For Appellants : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers**

**For Respondent : Mr.C.Deepak
(in both cases)**



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JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant herein had availed loan from the respondent bank. The appellant is running an MSME unit supplying raw materials to BHEL. The unit suffered recession. Its account with the respondent came to be classified as Non-Performing asset. The bank took recourse to SARFAESI action. Notice under Section 13(2) of the Act was issued on 22.11.2024. Symbolic possession was taken under Section 13(4) on 21.01.2025. In the meanwhile, the appellant submitted representation on 09.01.2025 calling upon the bank to grant them relief under Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises. Since the bank did not consider the said request, the appellant filed W.P. (MD)No.4468 of 2025. The learned single Judge dismissed the writ petition vide order dated 28.02.2025. Assailing the same, this writ appeal came to be filed.



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3. The learned senior counsel appearing for the appellant placed reliance on the decision of the Hon'ble Division Bench reported in **2025-2-Writ L.R.34 (A.K.Karthikeyan Vs. The Authorized Officer, Canara Bank)**. The Hon'ble Division Bench in the said case had held that the lending banks are bound to form the Committee as per MSME Act and consider granting relief to the borrower MSME units. He pointed out that in the case on hand, the bank had failed to discharge its statutory obligations. He would also add that the borrower had approached the bank well in time prior to the taking of symbolic possession under Section 13(4) of the Act. He further submitted that the recent decision of the Hon'ble Supreme Court reported in **2025 INSC 908 (Shri Shri Swami Samarth Construction & Finance Solution Vs. The Board of Directors of NKGSB Co.op Bank Limited)** cannot be applied to his prejudice.

4. Per contra, the learned counsel for the Bank submitted that the order of the learned single Judge is justified and that interference is not warranted.



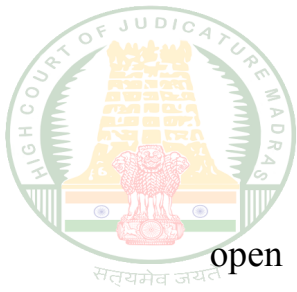
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5. We carefully considered the rival contentions and went through the materials on record. It is seen that the appellant had earlier filed W.P. (MD)No.31340 of 2024 challenging the notice issued under Section 13(2) of the Act. But the appellant did not stop with the said prayer. He also wanted the Court to direct the Bank to formulate the revival and rehabilitation scheme for the petitioner's unit as per MSME Act, 2006. The Hon'ble Division Bench dismissed the writ petition on 06.01.2025 in the following terms:-

“The appropriate forum to redress the grievance put forth in this writ petition would be the Debt Recovery Tribunal, Madurai. When such an alternative remedy is available, it would not be justifiable to entertain the present writ petition. Accordingly, the petitioner is granted liberty to approach the Debt Recovery Tribunal for redressal of his grievances.

2. With the above liberty, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.”

6. The prayer in the present round is also for forming a revival and rehabilitation scheme. When the Division Bench had already rejected the said prayer and relegated the petitioner to go before the DRT, it is not



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open to the appellant to maintain one more writ petition on the same cause of action and for the same relief. The learned single Judge rightly non-suited the appellant. We reiterate that the appellant can very well approach the DRT challenging the action of the Bank taken under SARFAESI Act. If such an appeal is filed within 30 days from the date of receipt of a copy of this order, the same will be entertained without reference to limitation and dealt with on merits. Since the Hon'ble Division Bench had already granted liberty to the appellant to raise all the contentions, we make it clear that the fact that the bank had not applied the "Framework" in favour of the appellant unit can also be taken as one of the grounds while impugning the action taken under the SARFAESI Act and the Tribunal will be obliged to deal with the said contention.

7.These Writ Appeals are dismissed. No costs.

(G.R.S., J.) (K.R.S., J.)
06.08.2025

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