

GAHC010000092024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/8/2024

ATIKUR RAHMAN
SON OF LATE ABIDOUR RAHMAN
R/O- HOUSE NO. 22, G.S. ROAD,
NEAR INTERNATIONAL HOSPITAL,
DIST.- KAMRUP(M), ASSAM,
PIN- 781005.

VERSUS

THE LIC HOUSING FINANCE LTD. AND ANR
A HOUSING FINANCE COMPANY,
HAVING ITS REGD. OFFICE AT BOMBAY LIFE BLDG.,
2ND FLOOR, 45/47, VEER NARIMAN ROAD,
FORT, MUMBAI- 400001
AND ONE OF ITS BACK OFFICE AT 2ND FLOOR, JEEVAN NIVESH
BUILDING,
LAKHTOKIA POINT, PANBAZAR, GUWAHATI,
PIN- 781001 (ASSAM).

2:THE MANAGER/ AUTHORISED OFFICER
THE LIC HOUSING FINANCE LTD.
OF THE GUWAHATI BACK OFFICE

ADDRESS- 2ND FLOOR
JEEVAN NIVESH BUILDING

LAKHTOKIA POINT
PANBAZAR
GUWAHATI

PIN- 781001
(ASSAM)

Advocate for the Petitioner : MR. S CHAMARIA

Advocate for the Respondent : MR. H BURAGOHAIN (r-1,2)

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

**Date : 20/02/2024
*Vijay Bishnoi, CJ***

This writ petition has been filed by the petitioner essentially being aggrieved with the notice issued by the respondent financial institution under section 13(2) of the *Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (herein after for short SARFAESI Act, 2002)*. It is also prayed in the writ petition that the respondents be directed to regularize the default EMI payment and to make both the loan accounts of the petitioner regular. It is further prayed that the respondents be restrained from issuing notice under section 13(4) of the ***SARFAESI Act, 2002*** in respect of attachment of the mortgaged property.

Having heard the learned counsel for the petitioner and after going through the materials available on record, we are of the view that since the respondent financial institution has only issued a notice under section 13(2) of the ***SARFAESI Act, 2002***, no cause of action arose to the petitioner to approach this Court. Otherwise also, if the respondent financial institution take recourse of section 13(4) of the Act of 2002, the petitioner is free to avail appropriate remedy available to him under the ***SARFAESI Act, 2002***.

Hence, we do not find any merit in this petition and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

sukhamay

Comparing Assistant