

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.21805 of 2015

M/s.Solar Designs Pvt Ltd
rep. By its Managing Director
Plor No.131/134 Krishna Industrial Estate
Vanagaram
Mettukuppam
Chennai 600 095.

... Petitioner

Vs

1. The Authorised Officer
Oriental bank of Commerce
No.1 CVR Complex
Dr.Singaravelu Street
T. Nagar
Chennai 600 017.
2. M/s.Aadi Industries
rep. By its Proprietor
No.134/3, 3 A, 3 B Krishna Industrial Estate
Vanagaram
Mettukuppam
Chennai 95.
3. Mr.C.Saravanan
Proprietor of Aadi Industries
Residing at No.19 Chinna Thambi Street
Triplicane
Chennai 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking writ of certiorarified mandamus to call for the records pertaining to the notice under Section 13 (2) of the SARFAESI Act dated 8/7/2015 of the first respondent and quash the same and consequently direct the first respondent to initiate appropriate legal actions against the second and third respondents at their place of business.

For petitioner ... Mr.V.Jayachandran
for Mr.R.Rajamohan

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O R D E R

(Order of the Court was made SATISH K. AGNIHOTRI, J.)

The petitioner, being a stranger, has come up with this writ petition, questioning the notice issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short the SARFAESI Act), which is addressed to the second and third respondents.

2. According to the learned counsel appearing for the petitioner, notice has been pasted on his address, i.e., at Plot No.131/134, Krishna Industrial Estate, Vanagaram, Mettukuppam, Chennai-600 095. On perusal of the impugned notice dated 8th July, 2015, it is noticed that the address of the alleged borrower/second respondent shown in the notice is at No.134/3, 3A, 3B, Krishna Industrial Estate, Vanagaram, Mettukuppam, Chennai-600 095 and the address of the third respondent is shown as C.Saravanan, Prop. M/s.Aadi Industries, No.19, Chinna Thambi Street, Triplicane, Chennai-5. Both addresses are different from the one which is indicated by the petitioner as his address in the petition itself. In that view of the matter, it is impermissible for the petitioner to question the legality of the said notice addressed to the respondents 2 and 3, as according to the petitioner, the petitioner has nothing to do with the said security asset and the issue involved in the notice. It is open to the petitioner to take recourse to any other appropriate forum, if so advised and permissible under the provisions of law.

3. Accordingly, this writ petition is dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

-s/d-

Assistant Registrar

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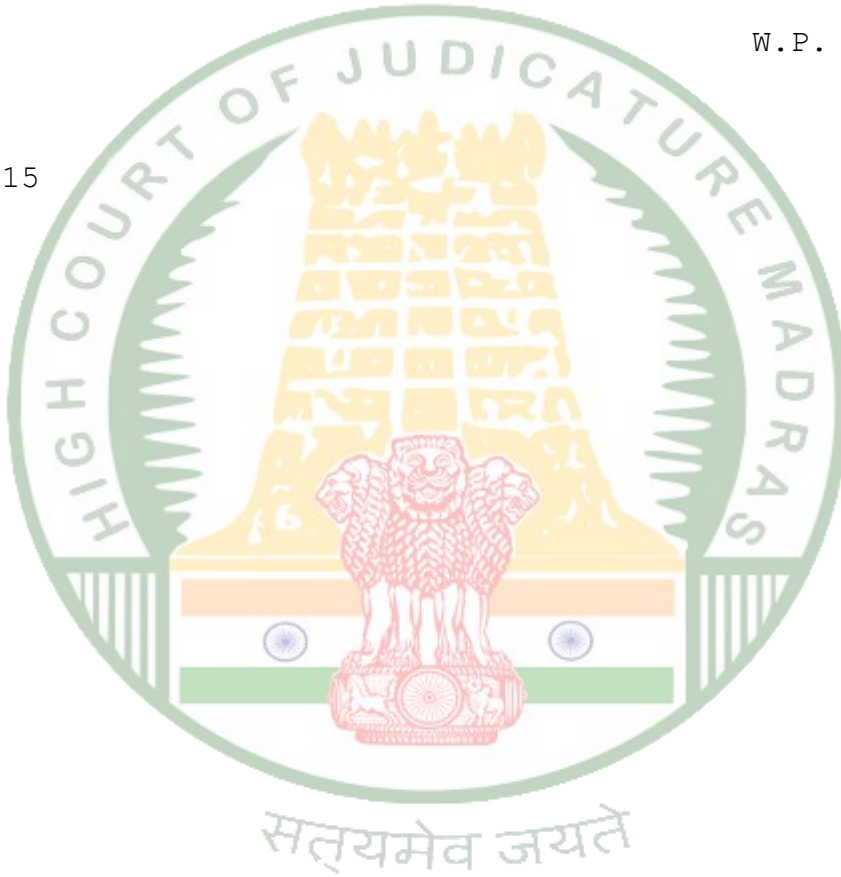
Sub-Assistant Registrar

To

The Authorised Officer
Oriental bank of Commerce
No.1 CVR Complex
Dr.Singaravelu Street
T. Nagar
Chennai 600 017.

W.P. No.21805 of 2015

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