

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-7-2015

CORAM:

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

W.P. No.22352 of 2015
M.P.Nos.1 and 2 of 2015

A. Asokan

... Petitioner

Vs.

1. The Authorised Officer,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
1/5 I Floor, Shanthi Plaza,
Brindavan Road,
Fairlands,
Salem - 636 004.
2. The Manager,
State Bank of India,
Omalur Branch,
Omalur - 636 455,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records relating to the impugned notice No.16/391 dated 11.6.2012 on the file of the first respondent herein issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act No.54 of 2002) quash the same.

For Petitioner : Mr.T.Murugamanickam

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O R D E R

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

Impugning the demand notice dated 11th June, 2012 issued under Section 13(2) of the SARFAESI Act, 2002 (for short 'the Act'), petitioner stated to be the borrower, is before us. The petitioner seeks to question the legality of the demand notice on the ground that the notice was issued without authority of law.

2. On perusal of the papers we found that consequent to issuance of Section 13(2) notice on 11th June, 2012, several other steps have been taken i.e, issuance of notice under Section 13(4) on 13th December, 2012 for taking symbolic possession, and also issuance of Tender-cum-Auction Sale notice on 4th October, 2014.

3. The petitioner had earlier approached this Court in W.P.No.28990 of 2014 questioning the intended auction sale and the said writ petition was dismissed as infructuous on 17th November, 2014. One more writ petition in W.P.No.4916 of 2015 challenging the same notice issued under Section 13(2), which is impugned in the present petition, was filed by the petitioner. Recording the submission of the petitioner, the said writ petition was dismissed as withdrawn with liberty to make representation to the respondent regarding the prohibition under section 31(i) of the Act. The petitioner has again come up with the instant petition for the same relief, without disclosing any other reason or ground, which necessitated filing of the present petition.

4. We have examined the pleadings and documents very carefully. We are of the considered opinion that no case has been made out to entertain the present petition challenging the demand notice issued under section 13(2) of the Act. We restrain ourself from making strong observations for misusing the writ jurisdiction again and again, which is tantamount to abuse of the judicial process.

With the above observations, we dismiss this writ petition. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

vr

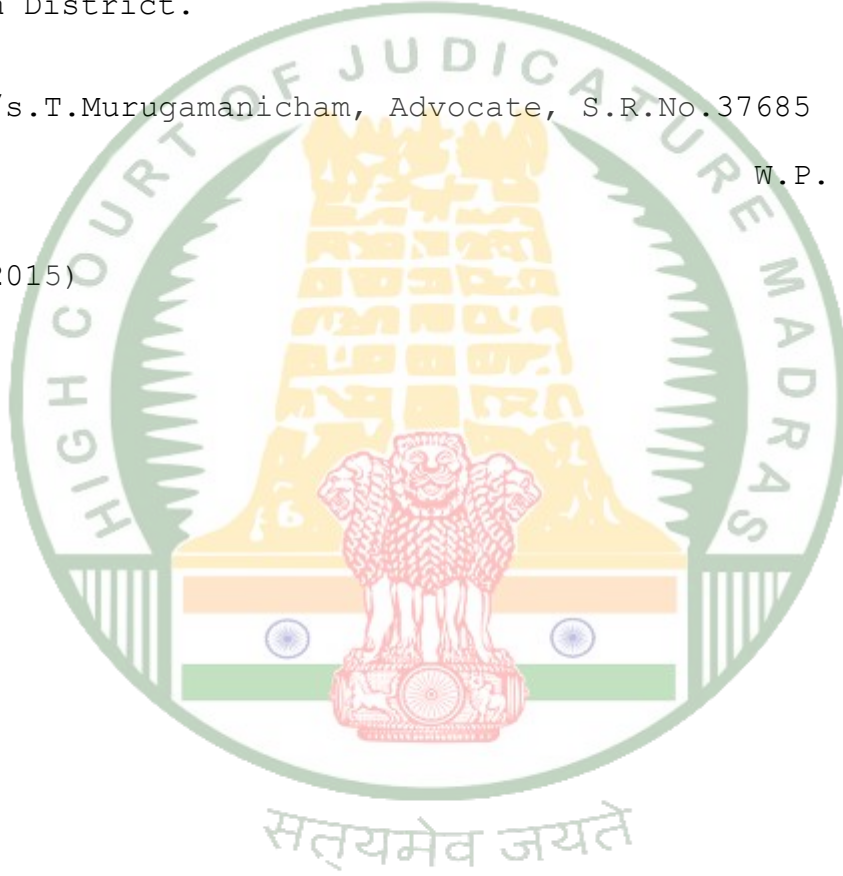
To

1. The Authorised Officer, State Bank of India,
Stressed Assets Recovery Branch (SARB),
1/5 I Floor, Shanthi Plaza, Brindavan Road,
Fairlands, Salem - 636 004.
2. The Manager, State Bank of India,
Omalur Branch, Omalur - 636 455,
Salem District.

+1cc to M/s.T.Murugamanicham, Advocate, S.R.No.37685

W.P. No.22352 of 2015

PPA(CO)
CA(05/08/2015)



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