

In the High Court of Judicature at Madras

Dated: 29.09.2015

Coram:

The Honourable Mr. Justice SATISH K. AGNIHOTRI
AND
The Honourable Mr. Justice K.K. SASIDHARAN

W.P.Nos.30620 & 30621 of 2015
& M.P.No.1 of 2015 (2 nos.)

V. Raj Kumar .. Petitioner in W.P.No.30620/2015
M. Venkatachalam .. Petitioner in W.P.No.30621/2015

-Vs.-

State Bank of Patiala
Rep. by its Chief Manager
George Town Branch
No.50, Broadway
Chennai-600 108. .. Respondent in both W.Ps.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records made in Demand Notices in Ref.Nos.SBP/2015-16/172 & SBP/2015-16/173 respectively dated 29.7.2015 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 issued by respondent herein and quash the said notices.

For Petitioners : Mr.S.V. Jayaraman
Senior Counsel
for Mr. G. Ramadurai

O R D E R

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

The challenge in these writ petitions is to the notice issued by the George Town Branch of State Bank of Patiala under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "SARFAESI Act") calling upon the petitioners to regularise the account failing which it was indicated that further action would be taken in accordance with law.

2. Heard the learned Senior Counsel for the petitioners.

3. The petitioners availed financial assistance from the respondent. Since the loan was not repaid as per schedule, the Bank initiated proceedings under the SARFAESI Act. Notices under Section 13(2) of the Act were issued on 29 July 2015. The petitioners have already given individual representations dated 19 September 2015 pursuant to the statutory notices. The Bank is under a statutory obligation to consider such representations and pass appropriate orders under Section 13 (3A) of the SARFAESI Act.

4. The respondent is directed to consider the representation submitted by the petitioners on 19 September 2015 in response to the notices issued under Section 13(2) of the SARFAESI Act. The orders passed by the Bank shall be communicated to the petitioners. The question of taking further action would arise only after passing orders under Section 13(3A) of the SARFAESI Act.

5. The writ petitions are disposed of with the above direction. Consequently, the connected MPs are closed. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

Tr/

To

the Chief Manager
State Bank of Patiala
George Town Branch
No.50, Broadway
Chennai-600 108.

2 ccs to Mr.G. Ramadurai, Advocate, Sr. 52631, 52630

W.P.Nos.30620 & 30621
of 2015

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