

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2015

CORAM :

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No. 31143 of 2015

G.K. Senthilrajan

... Petitioner

Vs.

1. City Union Bank Limited,
Mandavelli Branch,
rep. By its Authorised Officer,
" Keerthis" No.67 Mandavelli Street,
Mandavelli, Chennai 600 028.
2. City Union Bank Limited,
Administrative Office,
rep. By its Authorised Officer,
No.24-B, Gandhi Nagar,
Kumbakonam 612 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for records relating to the Notice No.C.O./REC/ /2014-15 dated 31.7.2015 issued by the 2nd respondent under Section 13(2) of the SARFAESI Act 2002 and quash the same in respect of Schedule - E properties mentioned therein as the provisions of the SARFAESI Act 2002 not to apply for agriculture land as per section 31(i) of the SARFAESI Act, 2002.

For petitioner : Ms. P.T. Asha
for
Mr. K.P. Narayanan

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ORDER

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

Impugning the notice dated 31st July, 2015 issued under the provisions of Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short "the SARFAESI Act") insofar as properties mentioned therein under "E" schedule, the petitioner has come up with this writ petition.

2. The main grievance of the petitioner is that a portion of the secured assets is an agricultural land, which is exempted from the applicability of provisions of Section 31(i) of the SARFAESI Act.

3. After issuance of notice under Section 13 (2) of the SARFAESI Act, the petitioner has two options, i.e., he can either make the payment within sixty days or make a representation/objection under Section 13 (3-A) of the SARFAESI Act in respect of the dues and also with regard to any other issue, including jurisdiction of the Bank in invoking the provisions of the SARFAESI Act.

4. Seemingly, no representation/objection pursuant to the impugned notice has been given by the petitioner and as such, we are not inclined to interfere with the impugned notice, at this stage.

5. Accordingly, this writ petition stands dismissed, reserving liberty to the petitioner to make representation/objection in respect of applicability of the provisions of the SARFAESI Act to the land in question. We make it clear that if such representation is made, the respondent-Bank is under an obligation to consider the same, adverting to all the objections raised therein and pass appropriate order before taking recourse to the other provisions of the SARFAESI Act. No costs. Connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Authorised Officer,
City Union Bank Limited,
Mandavelli Branch,
" Keerthis" No.67 Mandavelli Street,
Mandavelli, Chennai 600 028.
2. The Authorised Officer,
City Union Bank Limited,
Administrative Office,
No.24-B, Gandhi Nagar,
Kumbakonam 612 001.

+2cc's to Mr.K.P.Narayanan, Advocate, S.R.No.53484

W.P. No. 31143 of 2015

PUR(CO)
CA(12/10/2015)



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