

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM:

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

W.P. No.32046 of 2015 and M.P. No.1 of 2015

St. John Sangam Trust
represented by its
Chairman and Managing Trustee
Perambalur 621 212
Perambalur District

Petitioner

Vs.

1 The Chief Manager
Indian Overseas Bank
Perambalur Branch
Shareef Complex
Madhanagopalapuram
Perambalur 621 212
Perambalur District

2 The Branch Manager
Indian Overseas Bank
Perambalur 621 212
Perambalur District

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to consider and pass orders on the petitioner's representations dated 26.06.2015 and 02.09.2015, giving substantial time to make overdue payment.

For petitioner Mr. C. Selvaraju, Senior Counsel
for M/s. C.S. Associates

For respondents Mr. F.B. Benjamin George

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. F.B. Benjamin George, learned counsel, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner Trust, purportedly to be a borrower,

seeks a direction to the respondents to consider its representations dated 26 June 2015 and 02 September 2015.

3 Incontrovertibly, the respondent bank has already issued a demand notice dated 18 June 2015 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act"), calling upon the borrower, i.e., the petitioner herein, to make payment of outstanding dues. In response, the petitioner is entitled to make a representation or file an objection under the provisions of Section 13(3-A) of the SARFAESI Act. If such a representation/objection is made, the respondent bank is under an obligation to consider and pass appropriate orders on the same. As stated at paragraph no.8 of the affidavit filed in support of the writ petition, the bank has not passed any order on the petitioner's representation / objection.

4 At this juncture, we are not inclined to make any observation on the merits of the case. However, the respondent bank is directed to pass orders on the petitioner's representation/objection, if not passed already, before initiating any action under the provisions of the SARFAESI Act.

5 The writ petition stands disposed of with the above observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

cad

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To

1 The Chief Manager
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Perambalur Branch
Shareef Complex
Madhanagopalapuram
Perambalur 621 212
Perambalur District

2 The Branch Manager
Indian Overseas Bank
Perambalur 621 212
Perambalur District

+1cc to M/s. C.S. Associates, Advocate, S.R.No.55055

+1cc to Mr.F.B. Benjamin George, Advocate, S.R.No.55016

KK(CO)
EU(15/10/2015)

W.P. No.32046 of 2015



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