

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.32319 of 2015 and M.P. No.1 of 2015

Lakshmi Sago Factory
represented by its Partner
P. Jayaramachandran
Chelliyayeepalayam
Karaikurichipudur Post
Namakkal District

Petitioner

vs.

- 1 The Manager
State Bank of India
SME Branch
Salem Cherry Road
Salem 636 007
- 2 M. Periyasamy
Chelliyayeepalayam
Karaikurichipurud Post
Namakkal District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 25.09.2015 in a time bound manner.

For petitioner Mr. G. Murugendran

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a direction to the first respondent bank to consider and pass orders on the petitioner's representation dated 25 September 2015 within a time-frame.

2 The petitioner, stated to be a borrower, has approached this Court after issuance of possession notice dated

03 September 2015 under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act") read with Rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002 (for short "the Rules").

3 On a perusal of the pleadings, it is noticed that prior to issuance of the possession notice, as aforesaid, the petitioner was served with a demand notice on 29 June 2015 under Section 13(2) of the Act read with Rule 3 of the Rules. The petitioner now seeks to settle the outstanding dues.

4 In that view of the matter, this writ petition is not maintainable and the only remedy available to the petitioner is to question the possession notice before the statutory appellate forum, i.e., the Debts Recovery Tribunal, if so advised. It is open to the petitioner to seek settlement of the outstanding dues before the said forum.

5 In the result, the writ petition is dismissed as not maintainable. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

The Manager
State Bank of India
SME Branch
Salem Cherry Road
Salem 636 007

1 cc to Mr.G. Murugendran, Advocate, sr. 55853

W.P. No.32319 of 2015

RV (CO)
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