

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.38211 of 2015

S.M.A.Venkatesan

..Petitioner

Vs.

1. State Bank of India,
Dharmapur Branch,
rep. By its authorised Officer,
Bye-pass Road, Dharmapuri 636 701. ..Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records pertaining to the impugned Notice dated 22.5.2015 in respect of the petitioner Loan No.31012012729 issued by the respondent and quash the same.

For petitioner Mr. V. Thillaisamy
For respondents ----

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Questioning the justifiability of the notice dated 22 May 2015 passed by the respondent/ Bank issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act"), the petitioner has preferred this writ petition.

2. The grievance of the petitioner is that pursuant to the aforesaid notice dated 22 May, 2015, the petitioner has called upon the Bank to submit his statement of accounts and other details, which yielded no response. Thus, the present writ petition for the aforesaid relief.

3. On a perusal of the documents, it is noticed that pursuant to the impugned notice dated 22 May, 2015, no representation has been made by the petitioner putting forward his case under the Provisions of the SARFAESI Act. The petitioner is entitled to file his response or to discharge in full his liabilities to the secured creditor within a period of 60 days from the date of the notice issued under Section 13 (2) of the SARFAESI Act. He can also make a representation under Section 13 (3-A) of the SARFAESI Act in such an event, the Bank may not proceed further until the representation to be made by the petitioner under Section 13 (3-A) of the SARFAESI Act is decided. No document to this effect is placed before us. Thus, this writ petition is premature at this stage and is liable to be dismissed as not maintainable.

4. This writ petition is dismissed accordingly. No costs. Connected miscellaneous petition is dismissed.

Sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ra

To

1. The Authorised Officer,
State Bank of India,
Dharmapur Branch,
Bye-pass Road, Dharmapuri 636 701.

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CO-RSI
JD 17/12/2015

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