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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.22343 of 2015
and
M.P (MD) No.1 of 2015

K.Perumal

... Petitioner

Vs.

1.The Regional Manager,
Indian Overseas Bank,
Agricultural Credit Cell,
Regional Office,
Madurai.

2.The Authorised Officer,
Indian Overseas Bank,
Regional Office,
No.23, New Agraharam,
Palani Road,
Dindigul 624 001.

3.The Chief/Senior Manager,
Indian Overseas Bank,
Chinnamanur Branch,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the demand notice No.Nil dated 04.09.2015 issued by the 2nd respondent and quash the same.

For Petitioner

: Mr.K.Guhan

For Respondents

: Mr.N.Dilipkumar

ORDER

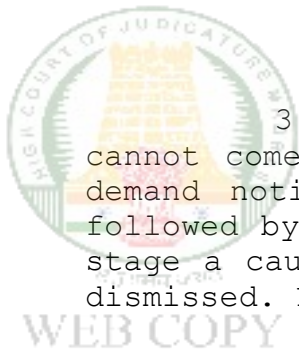
(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The writ petition is filed as against a notice under Section 13 (2) of the SARFAESI Act, 2002.

2.Heard Mr.K.Guhan, learned counsel for the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

Mr.N.Dilipkumar, learned counsel takes notice for the respondents.



3.As against a demand notice under Section 13(2), a person cannot come to the Court. No cause of action arises, at this stage of demand notice, since an order has to be passed under Section 13(3-A) followed by a possession notice under Section 13(4). It is only at this stage a cause of action to challenge arises. Hence, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub AssistantRegistrar

To

1.The Regional Manager,
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Regional Office,
Madurai.

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3.The Chief/Senior Manager,
Indian Overseas Bank,
Chinnamanur Branch,
Theni District.

+1cc to Mr.N.Dilipkumar, Advocate SR.No.71459/15

+1cc to Mr.K.Guhan, Advocate SR.No.71381/15

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and
M.P (MD)No.1 of 2015