



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

The HONOURABLE MR.JUSTICE V.S.RAVI

W.P. (MD) .No.4471 of 2015

C.Venkatesan

..Petitioner

Vs.

1. The Banking Ombudsman
Reserve Bank of India Building,
No.16, Rajaji Road,
Chennai - 600 009.
2. The Authorized Officer
Tamil Nadu Mercantile Bank Ltd.,
Thoothukudi Region,
Thoothukudi.
3. The Branch Manager
Tamil Nadu Mercantile Bank Ltd.,
Siruthondanllur,
Thoothukudi District.

..Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, calling for the records relating to the 2nd respondent's impugned sale notice under Section 8 (5) of the Securitization and Reconstruction of Financial and Assets and Enforcement of Security Interest Act, 2002, dated 19.02.2015 and quash the same as illegal, arbitrary.

For petitioner : Mr.A.D.Ganesha Moorthi

For respondents : Mr.Pala.Ramasamy

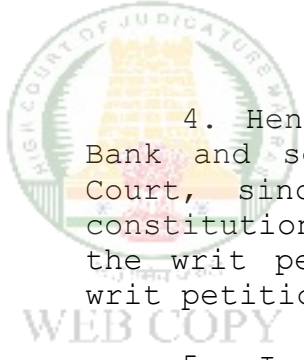
O R D E R

(Order of the Court was made by S.TAMILVANAN, J)

The writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Certiorari, calling for the records pertaining to the Sale Notice, dated 19.02.2015 issued under Section 8 (5) of the SARFAESI Act, 2002, and quash the same as illegal and arbitrary.

2. It is an admitted fact that the petitioner obtained loan from the Tamil Nadu Mercantile Bank Ltd., and the same was not repaid. Being a secured creditor, the Bank can take appropriate action under the SARFAESI Act and for which, there is no statutory bar. As there is a legal act and no violation of fundamental right or constitutional right is alleged, this Court cannot interfere with the same.

3. Learned counsel for the petitioner submits that the petitioner is ready and willing to pay a portion of the amount, payable to the Bank towards the loan.



4. Hence, it is open to the petitioner to approach the respondent Bank and settle the dues. However, there is no jurisdiction to this Court, since there is no infringement of any fundamental right or constitutional rights of the petitioner, hence, we are of the view that the writ petition itself is legally not maintainable. Accordingly, the writ petition is liable to be dismissed.

5. In the result, the writ petition is dismissed. No costs. Consequently, M.P.(MD).No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Per Admn)

/True copy/

Sub Assistant Registrar

To

1. The Banking Ombudsman
Reserve Bank of India Building,
No.16, Rajaji Road,
Chennai - 600 009.
2. The Authorized Officer
Tamil Nadu Mercantile Bank Ltd.,
Thoothukudi Region,
Thoothukudi.
3. The Branch Manager
Tamil Nadu Mercantile Bank Ltd.,
Siruthondanllur,
Thoothukudi District.

+1cc to Mr.A.D.Ganesha moorthi, Advocate in SR.15105

W.P. (MD) .No.4471 of 2015
26.03.2015

sms

pbk 20/04/2015 ::2p-5c: