

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.23781 of 2006

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondent-bank in trying to take possession of the property Flat bearing No.305, Sai Satya Residency, H.No.12-99 to 12-105, Alwal Main Road, Alwal, Secunderabad, under the cover of a Demand Notice, dated 07-04-2006, without following the subsequent procedure contemplated under Security Enforcement Rules 2002 and Section 13 (4) of the Securitisation & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as illegal and arbitrary.

2. Having heard the learned counsel on either side and perused the material available on record, this Court is of the view that the present writ petition is not maintainable against a Demand Notice issued by the respondent-bank. If the petitioner is aggrieved over the issuance of notice by the respondent-bank, he is at liberty to give suitable reply to the same and on such reply being given, the respondent-bank is directed to consider the same in proper perspective and dispose of the matter accordingly.

3. The Writ Petition is accordingly disposed of. No order as to costs.

4. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

18th March, 2015

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