

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.33400 OF 2015

ORDER:- (per Hon'ble Sri Justice R.Subhash Reddy)

This writ petition is filed seeking to issue a writ, order or direction more particularly, one in the nature of writ of *Mandamus* to declare the action of the respondent Housing Finance Corporation in issuing demand notice, dated 17.01.2015, under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "the SARFAESI Act") as illegal and arbitrary, and consequently, to set aside the same.

2. Heard learned counsel for the petitioner.

3. The petitioner disputes the figures mentioned in the demand notice, dated 17.01.2015, issued under Section 13(2) of the SARFAESI Act. If the petitioner has any objections, he can file a representation under Section 13(3) of the SARFAESI Act. At the same time, the petitioner states that the respondent Housing Finance Corporation has not issued any notice under Section 13(4) of the SARFAESI Act. In that view of the matter, there is no reason to entertain this writ petition at the stage of demand notice under Section 13(2) of the SARFAESI Act. Further, if any steps are taken by the respondent Housing Finance Corporation, it is always open to the petitioner to avail the remedy of filing an appeal before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act.

4. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

Date: 09.10.2015

AMD

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Dated: 09.10.2015

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