

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.1992 of 2016
and
W.M.P.No.1732 of 2016

R.Nabisha Begum

... Petitioner

Vs.

1. The Chief Manager and Authorized
Officer, Bank of Baroda,
No.52, Montieth Road,
Egmore, Chennai - 8.

2. Y.Rajesh

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the first respondent dated 18.08.2015 in his Order No.BOB/EGM/ADV/38 and quash the same and to direct the first respondent to follow the procedure contemplated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), Sections 13 and 14.

For Petitioner : Mr.A.S.Mujibur Rahman

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the petitioner, the writ petition is taken up for final disposal, at the admission stage itself. Notice to the respondents is dispensed with at this stage, as, no adverse order is passed against them in this writ petition.

2.Questioning the correctness of the communication of the first respondent dated 18 August 2015, whereunder, the

petitioner has been informed that after mortgage, the property was let out to her and therefore, she is required to vacate the premises and hand over the possession, the petitioner is before us.

3.It is informed that pursuant to the said communication, a legal notice dated 16 September 2015 was issued on behalf of the petitioner to the second respondent/owner with a copy marked to the first respondent-bank. Thereafter, no action was taken.

4.In view of the aforestated premise, no cause of action arises at this stage. Thus, this writ petition is premature and is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

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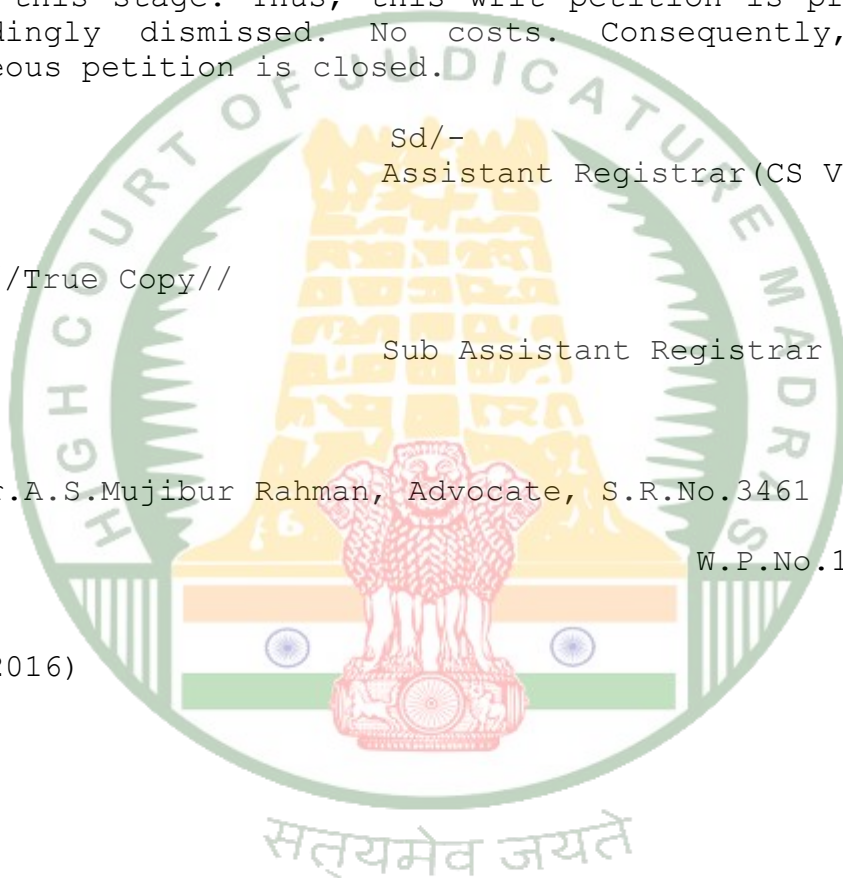
Sub Assistant Registrar

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+1cc to Mr.A.S.Mujibur Rahman, Advocate, S.R.No.3461

W.P.No.1992 of 2016

PPA(CO)
CA(08/02/2016)



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