



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.2179 of 2016

and

W.M.P(MD)No.1892 of 2016

Jesus Prince

... Petitioner

Vs.

The Branch Manager,
State Bank of Travancore,
Tuticorin.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the Respondent made in NO AGM/CHN/dated 16.11.2015 and quash the same as devoid of merits and consequently direct the respondent to desist all further action in pursuance of the notice issued u/s 13(2) of the SAFEAESI Act.

For Petitioner : Mr.S.Muthukrishnan
For Respondent : Mr.Pala.Ramasamy

ORDER

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

The petitioner has come up with the above writ petition challenging a notice under Section 13(2) of the SARFAESI Act, 2002.

2.Heard Mr.S.Muthukrishnan, learned counsel for the petitioner. Mr.Pala.Ramasamy, learned counsel takes notice for the respondent.

3.It is well settled that a notice under Section 13(2) does not give rise to a cause of action to file a writ petition. Only if a measure is taken under Section 13(4), the borrower or guarantor will have a cause of action. Hence, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)No.1892 of 2016 is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To
The Branch Manager,
State Bank of Travancore, Tuticorin.

+1 CC to Mr.S.MUTHUKRISHNAN, Advocate, SR No.5555

<https://hcservices.ecourts.gov.in/hcservices/>
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SH/SKS-RR:10.02.2016:1P/3C

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W.M.P(MD)No.1892 of 2016