IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

C O R A M

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Petition No.7428 of 2017 and
W.M.P.Nos.8082 & 8083 of 2017

S.Selvaraj .. Petitioner

Vs.

1.The Authorised Officer,
Kotak Mahendra Bank Ltd.,
No.3, Dass India Tower,
2nd Floor, Second Line Beach,
Parrys, Chennai – 600 001.

2.Cityfinancial Consumer Finance India Ltd.,
No.25-F, Ramakrishna Road,
Hasthampatty, Salem – 636 001. .. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution, to issue a writ of certiorari calling for the records pertaining to the impugned notices dated 16.12.2013 and 25.07.2014 issued by the first respondent under the SARFAESI Act, 2002 and quash the same by declaring as illegal violation of norms stipulated by the Reserve Bank of India.

For petitioner - Mr.M.Thanu & Yogaraj
For Respondent - No Appearance

ORDER
(Order of the Court was made by HULUVADI G.RAMESH, J.,)

Seeking to quash the notices dated 16.12.2013 and 25.07.2014 issued by the first respondent under the SARFAESI Act, 2002, the petitioner is before this Court with this writ petition.

2.Heard the learned counsel for the petitioner. There is no representation for the respondent.

3.The petitioner had availed credit facility from the second respondent Bank in the year 2008 and for that, he also mortgaged his property. According to the petitioner, he had paid the entire loan amount however, due to some business and family problem, the petitioner has not approached the second respondent to receive Loan Clearance Certificate. The petitioner further denied the averments made by the impugned notices. According to the petitioner, all of a sudden, he has received the impugned notices under the SARFAESI Act. According to the petitioner, the impugned notices are liable to be quashed.

4.If it is the case of the petitioner that he has paid the entire loan amount due to the second respondent, the petitioner is at liberty either to approach the respondent Bank or the Debts Recovery Tribunal with the proof for payment of the entire loan amount.

With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

jbm

+1 CC to Mr. R. Marudhachalamurthy, Advocate sr 44137

W.P.No.7428 of 2017

SP(10/07/2017)