

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.19592 OF 2003 & W.M.P.NOS.24477 AND 24245 Of 2003

1. D.Ravi Shankar
 2. D.Shivakumar
- ...Petitioners

Vs

1. Union of India rep. By
Secretary to Government,
Ministry of Law, Justice and
Company Affairs,
Legislative Department,
New Delhi.
 2. Branch Manager,
Indian Overseas Bank,
Regional Office,
Karaikudi.
- ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a writ of declaration, declaring the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, as illegal, unconstitutional and unenforceable in so far as the petitioner is concerned.

For Petitioners : Mr.V.Rajesh Babu
for S.Kadarkarai
For Respondent R1 : Mr.J.Madanagopal Rao
SCGSC
For Respondent R2 : Mr.R.Kumar Raja

ORDER

The writ petition is filed questioning the validity of the demand notice issued by the authorised officer under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The learned counsel appearing for the petitioners emphasized that the respondents have violated certain procedures to be followed. The grounds raised in support of the writ petition are regarding certain procedures and on merits.

3. Whatever it may be, the challenge in this writ petition is a show cause notice and the petitioners have got an opportunity under the provisions of the said Act to put forth their grounds and contentions before the authorised officer and no writ petition at this stage challenging the show cause notice, need to be entertained and this writ petition is filed in order to protract the issue and prolong the same.

3. Hence the writ petition is dismissed as not maintainable. No costs. Consequently, connected MPs are also dismissed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government of India,
Ministry of Law, Justice and Company Affairs,
Legislative Department, New Delhi.

2. Branch Manager, Indian Overseas Bank,
Regional Office, Karaikudi.

+1cc to M/S.J. Madanagopal Rao, Advocate Sr. 25434

+1cc to M/S. S. Kadarkarai, Advocate Sr. 25519

सत्यमेव जयते

W.P.No.19592 of 2003 &
W.M.P.Nos.24477 and 24245 of 2003

SAI(CO)
VR(9/5/2017)

WEB COPY