

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.15670 of 2016

ORDER: (per SK,J)

This writ petition was filed assailing the possession notice dated 20.04.2016 issued by the Indian Bank under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002.

The main ground on which the petitioner challenged the said notice was that he had submitted his objections to the demand notice dated 11.02.2015 issued by the bank under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'), but, without considering the said objections in accordance with Section 13(3A) of the SARFAESI Act, the respondent bank proceeded further.

The Chief Manager of the respondent bank filed a counter along with supporting material in proof of the respondent bank having considered the objections raised by the petitioner under his legal notice dated 21.10.2015. A copy of the reply notice dated 26.10.2015 issued by the bank through counsel responding to the objections raised by the petitioner is placed on record along with the postal acknowledgment evidencing receipt thereof by the petitioner.

In that view of the matter, the main ground of challenge raised by the petitioner does not survive for consideration.

The writ petition is accordingly dismissed leaving it open to the petitioner to avail appropriate remedies in accordance with law if and when a cause of action arises.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE GUDI SEVA SHYAM PRASAD

Date:06.07.2017

GJ

