

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

Writ Petition No.16210 of 2017

ORDER: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

The proceedings under challenge in this Writ Petition is a notice issued both under Section 13(2) and Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the "SARFAESI Act" for short). Against the action taken by the respondent-Bank under Section 13(4) of the SARFAESI Act, the petitioner has an effective and efficacious alternative statutory remedy of approaching the Debt Recovery Tribunal under Section 17 of the SARFAESI Act, without exhausting which he has invoked the jurisdiction of this Court under Article 226 of the Constitution of India. We see no reason, therefore, to interfere with the order impugned in the Writ Petition.

Leaving it open to the petitioner to avail the statutory remedy available to them under Section 17 of the SARFAESI Act, the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

Dr.SHAMEEM AKTHER, J

Date:28.04.2017.
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