

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION No. 20247 OF 2015

ORDER: (per the Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed with the following prayer:

“It is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction, more particularly in the nature of a writ of certiorari calling records leading to the issue of the Notice dated 5 February 2015 issued under Section 13(2) of SARFAESI Act 2002 and (i) declare the said Impugned Notice dated 5 February 2015 as highly illegal, arbitrary, contrary to the provisions of the SARFAESI Act 2002, and (ii) declare that publication of impugned demand notice in two leading news papers in the case of petitioner which is a body corporate is contrary to the rules framed under the Act and illegal, and (iii) declare that organizing Dharna by the 2nd respondent and 1st respondent along with the employees of the 2nd respondent bank on 9th March 2015 in front of the Corporate office of the Agrigold Group while holding the office of the Authorized Officer under the provisions of SARFAESI Act, 2002 and more particularly during the notice period is highly illegal, contrary to the provisions of the Act and Rules made there under and malicious and consequently quash the impugned Notice dated 5th February 2015 and all proceedings pursuant thereto.”

In the light of the law laid down by the Supreme Court in **Punjab National Bank vs. Imperial Gift House¹** and **Devi Ispat Limited vs. State Bank of India²**, a writ petition would not be maintainable in ordinary circumstances against a demand notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. No exceptional circumstances are either asserted or established in the present writ petition warranting deviation from this norm.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

Date: 07.07.2017
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¹ (2013) 14 SCC 622

² (2014) 5 SCC 762