

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION NO.38454 OF 2017

ORDER

(*Per Hon'ble Sri Justice Sanjay Kumar*)

The prayer of the petitioner in this case reads as under:

'For the reasons and grounds stated in the accompanying affidavit it is respectfully prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of a Writ of Mandamus by declaring the action of the 1<sup>st</sup> Respondent bank in issuing a defective notice under Section 13 (2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as illegal, arbitrary, unconstitutional and direct the Respondent No.1 to give the Petitioner herein adequate time as this Hon'ble Court may deem fit more particularly up to 6 months or for any other duration as this Hon'ble Court may deem fit to vacate the Schedule premises in order to facilitate the Respondent No.1's Auction of the Schedule Premises.'

In terms of the law laid down by the Supreme Court in *Devi Ispat Limited v. SBI*<sup>1</sup>, no writ petition would lie against a demand notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

The writ petition is accordingly dismissed on this short ground without going into the merits of the matter. Dismissal of this writ petition shall however not preclude the petitioner from raising grievance at the appropriate stage before the appropriate forum, if warranted.

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

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SANJAY KUMAR, J

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J. UMA DEVI, J

15<sup>th</sup> NOVEMBER, 2017  
Sv

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<sup>1</sup> (2014) 5 SCC 762