

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018
CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.3620 of 2018
and WMP.No.4448 of 2018

T.Ashok Surana

.. Petitioner
Party in Person

vs.

The Authorised Officer,
M/s.Small Industrial Development Bank
of India (SIDBI),
No.207, AIEMA Tower, Second Floor,
First Main Road, Ambattur Industrial Estate,
Chennai-600 098.

.. Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring that the maximum amount that can be recovered by the respondent bank is the amount claiming in the Section 13(2) Demand Notice and on payment of 100% of the same, their rights stand extinguished on collecting the same from the National Highways Authority of India in W.P.No.2617/2018, subject to outcome of W.P.36800/2015 and CRP SRNo.786/2016 pending adjudication and any higher claim is in violation of Article 21 of the Constitution of India.

For Petitioner : Mr.T.Ashok Surana/
Petitioner-in-Person

For Respondents : Mr.C.P.Hemkumar
for M/s.Ganesh and Ganesh

ORDER

(Order of the Court was made by Ms.Indira Banerjee,
Hon'ble Chief Justice)

This writ petition has been filed seeking a declaration that the amount that can be recovered by the respondent

bank is the amount claimed in Section 13(2) Demand Notice and on payment of 100% of the same, their rights stand extinguished on collecting the same from the National Highways Authority of India.

2. In the affidavit in support of the petition, it is stated that the compensation payable by the National Highways Authority of India for acquisition of land has been by way of security to the respondent bank.

3. Whether the claim of the bank is justified or not and/or whether the bank has claimed amount higher than the amount to which it is legitimately entitled, cannot be agitated in this Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution of India. The matter is to be agitated before the Debt Recovery Appellate Tribunal.

4. So far as the recovery of compensation and justification towards the claim of the bank is concerned, the bank is entitled to enforce security obligations including the compensation amount offered by way of security. However, the National Highways Authority of India has not even been impleaded as party.

5. The writ petition is misconceived and the same is not entertained.

6. The writ petition is dismissed. No costs. Consequently, WMP.No.4448 of 2018 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jvm

To:

The Authorised Officer,
M/s.Small Industrial Development Bank of India (SIDBI),
No.207, AIEMA Tower, Second Floor,
First Main Road, Ambattur Industrial Estate,
Chennai-600 098.

+2cc to Mr.T.Ashoksuruna, Party in person, S.R.No.17254

W.P.No.3620 of 2018

NRI (CO)
RRK(19/04/2018)