

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.25246 of 2018 and

W.M.P.No.29349 of 2018

L.Malarkannan .. Petitioner

v.

The Authorized Officer

Indian Overseas Bank

Sirkazhi Branch

No. 99/1, Pidari North Street

Sirkazhi - 609110

Nagapattinam District .. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, calling for the records of the impugned demand notice dated 23.07.2018 on the file of the respondent bank and quash the same.

For Petitioner : Mr.S.Sadhasharam

O R D E R

(Order of the Court made by M.DURAI SWAMY,J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of Certiorari to call for the records of the impugned demand notice dated 23.07.2018 on the file of the respondent-bank and to quash the same.

2. The petitioner has challenged the demand notice dated 23.07.2018 issued under section 13(2) of the SARFAESI Act.

3. It is settled position that a notice issued under section 13(2) of the SARFAESI Act cannot be challenged either before this court by way of Writ Petition or before the Debts Recovery Tribunal under section 17 of the SARFAESI Act.

4. The challenge made by the petitioner under section 13(2) of the SARFAESI Act is premature. Hence, we are not inclined to entertain the writ petition. The Writ Petition is dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

(V.K.T., C.J.) (M.D., J.)

25.09.2018

Index : Yes/No

Speaking Order/Non Speaking Order

Rj

To

The Authorized Officer

Indian Overseas Bank

Sirkazhi Branch

No. 99/1, Pidari North Street

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Nagapattinam District

THE HON'BLE CHIEF JUSTICE

AND

M. DURAISWAMY,J.,

Rj

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