

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.11.2018

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

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.29330 of 2018 and
W.M.P.No.34276 of 2018

T.Santhakumar

.. Petitioner

Vs.

1.The Branch Manager,
The Karur Vysya Bank Ltd.,
Tiruvarur Branch,
19 A, East Street,
Tiruvarur - 610 001.

2.The Authorized Officer,
The Karur Vysya Bank Ltd.,
Tiruvarur Branch,
19 A, East Street,
Tiruvarur - 610 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondent to up-grade the loan account in Account No.SOD 1611280000000101 of the petitioner as standard account, which has been classified as Non-Performing Asset (NPA) by the demand notice dated 03.09.2018 issued by the 2nd respondent in accordance with the norms and guidelines of the Reserve Bank of India given in RBI circular dated 01.07.2015.

For Petitioner : Mr.G.Dhamodaran

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondent to up-grade the loan account of the petitioner as standard account, which has been classified as Non-Performing Asset (NPA) by the demand notice dated 03.09.2018 issued by the 2nd respondent in accordance with the norms and guidelines of the Reserve Bank of India given in RBI circular dated 01.07.2015.

2.The respondent - Bank issued notice under Section 13(2) of the SARFAESI Act dated 03.09.2018 claiming a sum of Rs.20,56,938.80. The petitioner sent a reply dated 25.10.2018 calling upon the respondent - Bank to withdraw Section 13(2) notice dated 03.09.2018.

3.The petitioner is virtually challenging the notice issued under Section 13(2) of the SARFAESI Act in this Writ Petition. When the petitioner has given his reply dated 25.10.2018 to the Section 13(2) notice, it is needless to mention that the respondent - Bank has to consider the same under Section 13(3) (A) of the SARFAESI Act. It is settled position that the petitioner cannot challenge the demand notice issued under Section 13(2). The petitioner can challenge only the proceedings initiated under Section 13(4) of the SARFAESI Act.

4.In these circumstances, the prayer sought for in the Writ Petition cannot be granted to the petitioner. The Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

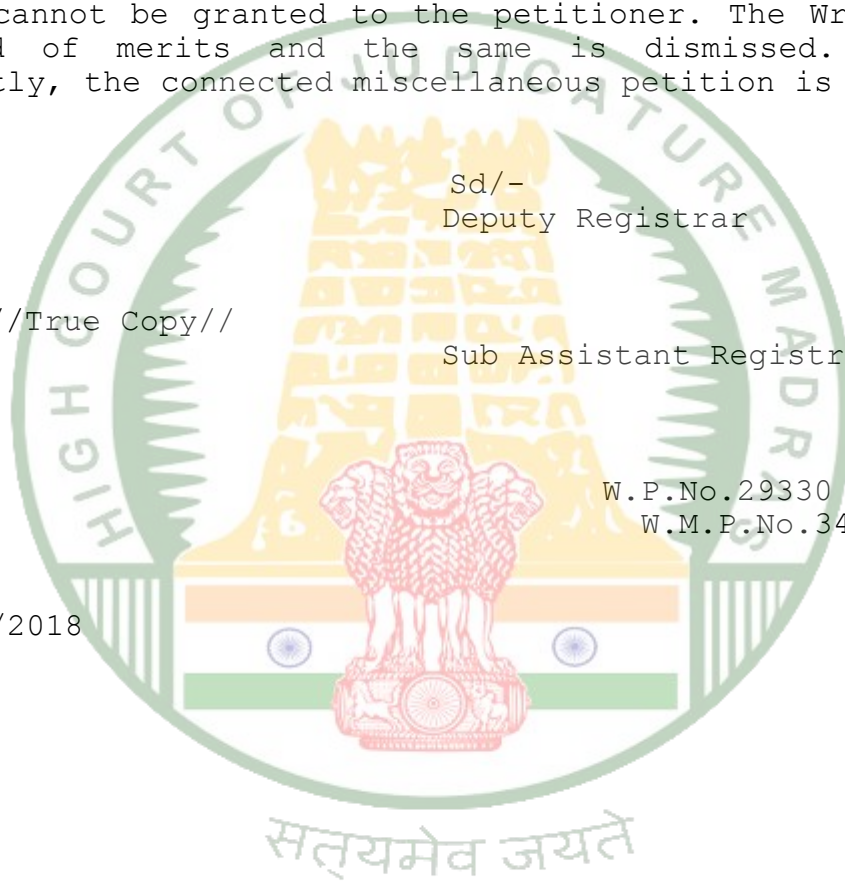
//True Copy//

Sub Assistant Registrar

va

W.P.No.29330 of 2018 and
W.M.P.No.34276 of 2018

rrs 28/11/2018



WEB COPY