

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM :
THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.29196 of 2018
and W.M.P.Nos.34120 and 34121 of 2018

1.M/s.S.R. Cartons India Pvt. Ltd.,
SF No.611/2, Jerthalav Village,
Kodiyur, Palacode Taluk-635 203,
Dharmapuri District.
2.R.Safiullah
3.S.Shabeer Ahmed
4.Musthari Begum .. Petitioners

Vs.

1.The Deputy General Manager (P),
The Tamil Nadu Industrial Investment Corporation Ltd.,
No.692, Anna Salai, Nandanam,
Chennai - 600 035.
2.The Branch Manager/Authorized Officer,
The Tamil Nadu Industrial Investment Corporation Ltd.,
DDDC Building (Upstairs),
Pennagaram Road,
Dharmapuri - 636 702. .. Respondents

सत्यमेव जयते

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the impugned notice dated 05.9.2018 (Revised dated 07.9.2018) issued by the 2nd respondent under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in respect of 1st petitioner's loan account number Corporate Identity No.U93090 TN 1949 SGC 001458 and quash the same as unsustainable.

For Petitioners : Mr.D.Baskar

O R D E R
(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue a Writ of Certiorari to for the records relating to the impugned notice dated 05.9.2018 (Revised dated 07.9.2018) issued by the 2nd respondent under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "SARFAESI Act") in respect of the 1st petitioner's loan account number Corporate Identity No.U93090 TN 1949 SGC 001458 and to quash the same.

2. The petitioners have challenged the notice issued under Section 13(2) of the SARFAESI Act in this writ petition. It is settled position that notice issued under Section 13(2) of SARFAESI Act cannot be challenged either before this Court or before the Debts Recovery Tribunal.

3. The learned counsel for the petitioner submitted that the petitioner had given his explanation dated 26.10.2018 to the notice issued under Section 13(2) of the SARFAESI Act. It is needless to say that the respondent Bank would consider the same as per the provisions of Section 13(3A) of the SARFAESI Act.

4. With the above observation, the writ petition is dismissed as not maintainable. No costs. Consequently, W.M.P.Nos.34120 and 34121 of 2018 are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy General Manager(P),
The Tamil Nadu Industrial Investment corporation Ltd.,
No.692, Annasalai, Nandanam, Chennai-35.

2.The Branch Manager/Authorised Officer,
The Tamil Nadu Industrial Investment corporation Ltd.,
DDDC Building (Upstairs), Pennagaram Road,
Dharmapuri - 636 702.

W.P.No.25196 of 2018

VGII(CO)
rrs 26/11/2018