



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

WP.(MD) No.3717 of 2018

and

W.M.P.(MD) Nos.3857 and 3858 of 2018

Ravichandran

... Petitioner

-vs-

1. The Reserve Bank of India,
South Zonal Office,
16, Rajaji Salai,
Fort Glacis,
Chennai - 600 001.
2. Banking Ombudsman,
C/o.Reserve Bank of India,
16, Rajaji Salai,
Fort Flacis, Chennai - 600 001.
3. The General Manager,
Canara Bank,
Head Office,
112, J.C.Road,
Bangalore.
4. The General Manager,
Canara Bank,
East Veli Street,
Madurai.
5. The Authorised Officer/Chief Manager,
Canara Bank, Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified Mandamus, to call for the records on the file of the 5th respondent relating to the impugned demand notice issued under Section 13(2) of SARFAESI Act dated 22.06.2016 and the consequential impugned possession notice issued under Section 13(4) of SARFAESI Act, dated 17.02.2018 and quash the same as unconstitutional and arbitrary.



For Petitioner : Mr.R.Murugan
For Respondents : Mr.N.Dilip Kumar for RR3 to 5

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O R D E R**(Order of the Court was made by T.S.SIVAGNANAM, J.)**

Heard Mr.R.Murugan, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned counsel appearing for the respondents 3 to 5.

2.This writ petition is liable to be dismissed at the threshold on the ground that it is not maintainable. Admittedly, the petitioner has an effective remedy under the provisions of SARFAESI Act and therefore has to avail the remedy available under the said Act and not by way of a writ petition.

3.The learned counsel for the respondents bank submitted that as on date, dues payable by the petitioner is Rs.1.33 crores and the account was declared as NPA as early as on 06.04.2017 and the matter has been dragged on by the petitioner and what is being questioned is a possession notice dated 17.02.2018 under Section 13(4) of the Act.

4.For all the above reasons, we hold that the prayer sought for is not maintainable before this Court and accordingly, this writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.N.DILIP KUMAR, ADVOCATE IN SR No. 50834

ARUL

TE/KKR/SAR-2 : 08/03/2018 : 2P/2C

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