THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION No.4214 of 2018

ORDER: (Per Justice Sanjay Kumar)

The prayer of the petitioner in this case reads as under:

> "For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue order or direction more particularly one in the nature of writ of MANDAMUS declare the action of the respondent in not considering the objection raised by the petitioner on 25.01.2018 pursuant to the notice issued u/s 13(2) of SARFAESI Act, 2002, dated: 01.12.2017 received by the petitioner on 11.12.2017 as illegal arbitrary and contrary to the provisions of SARFAESI Act, 2002 and consequentially direct the respondent to consider and pass reasoned order on the objection raised by the petitioner on 25.01.2018 in accordance with law and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case."

Sri P.R.K.Amarendra Kumar, learned counsel for the petitioner, fairly states that the petitioner submitted her objections to the demand notice dated 01.12.2017 issued by the Indian Bank, the respondent herein, under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'), only on 25.01.2018. No evidence is placed before this Court as to when the said communication was served upon the bank.

In terms of Section 13(3A) of the SARFAESI Act read with Rule 3A of the Security Interest (Enforcement) Rules, 2002, a secured creditor would have fifteen days time to respond to the representation made or objection raised by the borrower in response to the demand notice issued under Section 13(2) of the SARFAESI Act. That period is yet to expire in the present case.

However, Sri Ambadipudi Satyanarayana, learned counsel for the Indian Bank, would inform this Court that the bank has already issued its reply to the petitioner's objections raised under letter dated 25.01.2018 and the said reply is in transit.

In that view of the matter, we see no grounds to entertain this writ petition which is wholly premature and, in any event, the grievance of the petitioner stands settled by virtue of the statement made by the learned counsel for the bank.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

P. KESHAVA RAO,J

Date: 09.02.2018
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